

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 7337 0200

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9/22/81
DATE FOR REVIEW 10/2
DATE DUE 10/8

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

Approved 10/5 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 10/5

___✓___ Rule as Adopted (3 copies don't have Revisor's Cert.)

___✓___ Rule as Proposed

___✓___ Order Adopting not dated, but Bd action was on 9/15/81

___N/A___ Notice of Intent to Solicit Outside Opinion

→ ___ Order for rulemaking
_____ Date of Hearing not submitted

→ ___✓___ Certificate of Board's Authorizing Resolution see Minutes of 7/21 mtg

___ Notice of rulemaking
_____ Sufficiency

___✓___ Affidavit of Mailing Notice of rulemaking
8.5.81 At least 30 days prior to ~~hearing~~/adoption

→ ___ Mailing list Certificate not submitted.

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

___N/A___ Hearing Examiner's Report

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

___N/A___ Agency's Findings of Fact

___N/A___ LCRAR Report or agency Affidavit

___✓___ Certificate of Board's Resolution Adopting Rules
does not mention repeal which is included in Order Adopting

___ Order Approving Incorporation by Reference

___✓___ Statement of Need and Reasonableness

___N/A___ 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

RECEIVED
SEP 23 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

TO : JERRY ANDERSON
G25 Admin. Bldg.

DATE: Sept. 22, 1981

FROM : ROBERT J. CLAYTON RJC
Special Assistant Attorney General

PHONE: 9412

SUBJECT: ELECTRICITY BOARD EXAM FEE AND LICENSING RULES

Attached for your review is the record in this matter. No comments or requests for a hearing were received by the Board.

There is one item which I would like to explain. As you may recall, the Board amended its license fees in August to increase the contractor's license fee from $10 to $75 per year and to increase the journeyman's license from $7.50 to $10.00 per year. In addition, language specifying that contractor's licenses expire on September 1 was reworded. A copy of this amendment, which was not yet adopted when the rules presently being submitted were proposed, is attached for your reference.

In order to avoid confusion, the order adopting the rules being submitted specifies that the earlier amendment is being repealed. The effect will be that the Rule will read exactly as proposed in the State Register publication. The current proposal changes the expiration date for contractor's licenses from September 1 to March 1. If not for the repeal, the earlier text change would arguably still be in effect, causing confusion since the Rule would then state that contractor's licenses expire on September 1 as well as on March 1.

If you have any questions, please feel free to contact us.

aso
Attachment

Rule as Proposed

4 MCAR S 11.032 Licenses~~, examination and renewal~~; expiration; fees.

A. Expiration. Except as otherwise provided in this rule, all licenses issued ~~hereunder shall~~ or renewed under this rule expire ~~one year~~ two years from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed before March 1, 1982, expire one year from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed on or after March 1, 1982, expire March 1 of the next even-numbered year after issuance or renewal. Electrical contractor licenses issued or renewed after August 31, 1981, but before September 1, 1982, expire September 1, 1982. Electrical contractor licenses issued or renewed after August 31, 1982, expire March 1 of the next even-numbered year after issuance or renewal.

B. Examination, issuance, and renewal fees. The following fees shall be payable for examination, issuance, and renewal:

1. For examination for each class of electrician's license: $25.00

~~a. Class "A" Master $35.00~~

~~b. Class "B" Master $20.00~~

~~c. Class "A" Journeyman,~~

~~Class "B" Journeyman, Installer or Special Electrician~~ ~~$10.00~~

2. For issuance of original license and renewal:

a. Class "A" Master ~~$35.00~~ $35.00 a year

b. Class "B" Master ~~$20.00~~ $20.00 a year

c. Class "A" Journeyman, Class "B" Journeyman, Class A or B Installer or Special Electrician ~~$ 7.50~~ $10.00 a year

d. Electrical ~~Contractor's licenses shall be renewed on September 1st of each year. Original & renewal fee~~ Contractor ~~$10.00~~ $75.00 a year

3. If a Class "A" Master or Class "B" Master license is issued or renewed in accordance with A. for less than two years, the fee for the license shall be prorated on a monthly basis for each month or part of a month that the license is issued or renewed. The electrical contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued or renewed in accordance with A.

4. A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with the requirements of B.3., the amount of the overpayment shall be refunded.

C. Reissuance fee. Any electrical contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to ~~Minn. Reg.~~ rule Elec 26 of the Board of Electricity shall submit a reissuance fee of ~~$100.00~~ $100 before the license is reinstated.

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency Board of Electricity

Division

Agency Contact John D. Quinn Phone Number 297-2111

Title: Proposed Rule Amending the Time and Fee Requirements for Certain Licenses Issued by the Board of Electricity

Type of Rules: Permanent X Temporary

Incorporations by References: None

Rule Number Material Incorporated
Author
Title
Place
Publisher
Date
Cost
Places Available

See Additional references on back Yes No X

Duplication of Statutory Language. None

Rule Number Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Ann L Bateson
Ann L. Bateson
Title: Deputy Revisor
Phone: 296-1536

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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 time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Administration
Board of Electricity

Proposed Rules Amending License and Renewal Fees

Notice of Intent to Adopt Rules without a Hearing
Request for Public Comment

Notice is hereby given that the Board of Electricity has proposed the following rules amending the fees charged for license; issuance and renewal. These rules are promulgated pursuant to Minn. Stat. §§ 214.06 subd. 1 (1980); 15.0412 subd. 4 (1980), as amended by Laws of 1981, ch. 357 § 25; 16A.128 (1980), as amended by Laws of 1981, ch. 357 § 26. These provisions authorize the Board of Electricity to adopt rules amending its fees without a public hearing when the total fees estimated to be received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.

No hearing will be held prior to the promulgation of these rules by the Board of Electricity. All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 30 days immediately following publicaton of this material in the *State Register* by writing to Executive Secretary, Board of Electricity, 1821 University Avenue, Room N-191, St. Paul, Minnesota 55104. The proposed rules may be modified if modifications are supported by the data and views submitted. Any written material received shall become part of the record in the final adoption of the proposed rules. Any person who desires to be notified when the proposed rules and record herein are submitted to the Attorney General should so inform the Executive Secretary of the board of Electricity. Publication is hereby ordered.

Rule as Proposed

4 MCAR § 11.032 Licenses, examination and renewal fees.

A. All licenses issued hereunder shall expire one year from the date of issuance, except that an electrical contractor's license shall expire on September 1 of each year.

B. The following fees shall be payable for examination, issuance and renewal:

1. For examination:
   a. Class "A" Master — $35.00
   b. Class "B" Master — $20.00
   c. Class "A" Journeyman, Class "B" Journeyman, Installer or Special Electrician — $10.00
2. For issuance of original license and renewal:
   a. Class "A" Master — $35.00
   b. Class "B" Master — $20.00
   c. Class "A" Journeyman, Class "B" Journeyman, Installer or Special Electrician — ~~$ 7.50~~ $10.00

d. Electrical ~~Contractor's licenses shall be renewed on September 1st of each year. Original & renewal fee~~ Contractor — ~~$10.00~~ $75.00

C. Any electrical contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to rule Elec 26 shall submit a reissuance fee of $100.00 before the license is reinstated.

Office of Administrative Hearings
Workers' Compensation Division

Proposed Temporary Rules Governing Workers' Compensation

Notice is hereby given that the Office of Administrative Hearings, Workers' Compensation Division, proposed the following temporary rules for the purpose of implementing the provisions of Laws of 1981, ch. 346, governing hearings involving Workers' Compensation. All interested persons may submit data and views on the proposed temporary rules for a period of 20 days. All submissions must be in writing and must be addressed to:

Duane R. Harves
Chief Hearing Examiner
Office of Administrative Hearings
1745 University Avenue
St. Paul, Minnesota 55104

The rules as proposed may be modified if the modifications are supported by the data and views submitted. Any written material submitted will become part of the record and will be submitted to the Attorney General.

Temporary Rules as Proposed

9 MCAR § 2.301 Scope and purpose.

The procedures contained herein shall govern all hearings required to be conducted pursuant to the provisions of the Minnesota Workers' Compensation Laws, Minn. Stat. §§ 176.001 to 176.82, and the Minnesota Administrative Procedure Act, Minn. Stat. §§ 15.0411 to 15.052, as those provisions might apply.

9 MCAR § 2.302 General authority and definitions.

A. Assignment or transfer of cases. The chief hearing examiner has full responsibility for the assignment of cases for trial to the compensation judges. The chief hearing examiner may transfer to another compensation judge the proceedings on any case in the event of the death, extended absence, or disqualification of the compensation judge to whom it has been assigned, and may otherwise reassign such cases if necessary to expedite the proceedings if no oral testimony has been received therein. To the extent practicable, supplemental proceedings (rehearings) shall be assigned to the compensation judge who heard the original proceedings except where the rehearing has been granted by the Workers' Compensation Court of Appeals contrary to the compensation judge's initial order, in which instance the rehearing may be assigned to another compensation judge.

B. Authority of compensation judges. In any case which has been regularly assigned to him/her for trial, a compensation judge shall have full power, jurisdiction and authority to hear and determine all issues of fact and law presented to him/her and to issue such interlocutory and final orders, findings, decisions and awards as may be necessary to the full adjudication of the case.

C. Definitions.

1. "Applicant" means the party initiating an application by the serving and filing of a petition.
2. "Calendar judge" means a workers' compensation judge from the Office of Administrative Hearings.
3. "Chief hearing examiner" means the chief hearing examiner of the Office of Administrative Hearings.
4. "Commissioner" means the commissioner of the Department of Labor and Industry.
5. "Compensation judge" means a workers' compensation judge from the Office of Administrative Hearings.

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.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MR. JOHN QUINN
Executive Secretary
State Board of Electricity

DATE: October 5, 1981

ATTN : Robert J. Clayton
Special Assistant Attorney General

FROM : Jerry S. Anderson
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT:

In the Matter of the Proposed Amendment of Rules of the State Board of Electricity Governing Licensure and Fees

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.

JSA/cae

Enc.

cc: Kathy Burek
Duane Harves

Board of Electricity

Adopted Rule Amending the Time and Fee Requirements for Certain Licenses and Authorizing a Duplicate License Fee

Rule as Adopted

4 MCAR S 11.032 Licenses; expiration; fees.

A. Expiration. Except as otherwise provided in this rule, all licenses issued or renewed under this rule expire two years from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed before March 1, 1982, expire one year from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed on or after March 1, 1982, expire March 1 of the next even-numbered year after issuance or renewal. Electrical contractor licenses issued or renewed after August 31, 1981, but before September 1, 1982, expire September 1, 1982. Electrical contractor licenses issued or renewed after August 31, 1982, expire March 1 of the next even-numbered year after issuance or renewal.

B. Examination, issuance, and renewal fees. The following fees shall be payable for examination, issuance, and renewal:

1. For examination for each class of

electrician's license: $25.00

2. For issuance of original license and renewal:

a. Class "A" Master $35.00 a year

b. Class "B" Master $20.00 a year

c. Class "A" Journeyman, Class "B" Journeyman, Class A or B Installer or Special Electrician $10.00 a year

d. Electrical Contractor $75.00 a year

3. If a Class "A" Master or Class "B" Master license is issued or renewed in accordance with A. for less than two years, the fee for the license shall be prorated on a monthly basis for each month or part of a month that the license is issued or renewed. The electrical contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued or renewed in accordance with A.

4. A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with the requirements of B.3., the amount of the overpayment shall be refunded.

C. Reissuance fee. Any electrical contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to rule Elec 26 of the Board of Electricity shall submit a reissuance fee of $100 before the license is reinstated.

D. Duplicate license fee. The fee for the issuance of each duplicate license is $3.

Repealer. Rule 4 MCAR S 11.032 as adopted at 6 State Register 233 is repealeed on the effective date of this 4 MCAR S 11.032.

Effective date. The amendments to 4 MCAR S 11.032 are effective November 1, 1981.

APPROVED AS TO LEGALITY

10/5 19 81

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 5 - 1981
Joan Anderson Growe
Secretary of State

12:50 P.M.

STATE OF MINNESOTA
BOARD OF ELECTRICITY

In the Matter of the Proposed Amendment of Rules of the State Board of Electricity Governing Licensure and Fees.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Electricity ("Board") proposes to amend the above-entitled rules without a public hearing. The Board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

John Quinn
Executive Secretary
State Board of Electricity
Room N-191, Griggs Midway Building
1821 University Avenue
Saint Paul, Minnesota 55104
Telephone: (612) 297-2111

Authority for the adoption of these rules is contained in Minn. Stat. §§ 214.06 and 326.241 subd. 2(6) (1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Quinn upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Quinn.

A copy of the proposed rules is attached to this Notice. Additional copies may be obtained by contacting Mr. Quinn.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

John Quinn

JOHN QUINN
Executive Secretary
STATE BOARD OF ELECTRICITY

Rule as Proposed

4 MCAR S 11.032 Licenses~~,~~ ~~examination and renewal~~; expiration; fees.

A. Expiration. Except as otherwise provided in this rule, all licenses issued ~~hereunder shall~~ or renewed under this rule expire ~~one year~~ two years from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed before March 1, 1982, expire one year from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed on or after March 1, 1982, expire March 1 of the next even-numbered year after issuance or renewal. Electrical contractor licenses issued or renewed after August 31, 1981, but before September 1, 1982, expire September 1, 1982. Electrical contractor licenses issued or renewed after August 31, 1982, expire March 1 of the next even-numbered year after issuance or renewal.

B. Examination, issuance, and renewal fees. The following fees shall be payable for examination, issuance, and renewal:

1. For examination for each class of electrician's license: $25.00

~~a. Class "A" Master $35.00~~

~~b. Class "B" Master $20.00~~

~~c. Class "A" Journeyman~~,

~~Class "B" Journeyman, Installer or Special Electrician -$10.00~~

2. For issuance of original license and renewal:

a. Class "A" Master -~~$35.00~~ $35.00 a year

b. Class "B" Master -~~$20.00~~ $20.00 a year

c. Class "A" Journeyman, Class "B" Journeyman, Class A or B Installer or Special Electrician -$ ~~7.50~~ $10.00 a year

d. Electrical ~~Contracter's licenses shall be renewed on September 1st of each year. Original & renewal fee~~ Contractor -~~$10.00~~ $75.00 a year

3. If a Class "A" Master or Class "B" Master license is issued or renewed in accordance with A. for less than two years, the fee for the license shall be prorated on a monthly basis for each month or part of a month that the license is issued or renewed. The electrical contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued or renewed in accordance with A.

4. A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with the requirements of B.3., the amount of the overpayment shall be refunded.

C. Reissuance fee. Any electrical contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to ~~Minn. Reg.~~ rule Elec 26 of the Board of Electricity shall submit a reissuance fee of ~~$100.00~~ $100 before the license is reinstated.

D. Duplicate license fee. The fee for the issuance of each duplicate license is $3.

OFFICE OF THE REVISOR OF STATUTES
Disapproval of Form of Rules

__X__ The form of the attached rules is not approved. The revisor requests the changes described below before the rules will be approved.

1. The rule as adopted does not amend the most recent version of 4 MCAR S 11.032 which was adopted after the current rule was approved. This rule must take account of the current text of 4 MCAR S 11.032, since the two versions of the adopted rule would not be compatible. You may solve the inconsistencies any you choose. If the current adopted version reads the way you want the rule to read from the time that version becomes effective, you could solve the inconsistencies by adding a repealer. It could read:

   Repealer. Rule 4 MCAR S 11.032, as adopted at 6 State Register 233 is repealed on the effective date of this new 4 MCAR S 11.032.

2. The rule as adopted should be headed Rule as Adopted.

Steven C. Cross
Revisor of Statutes

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

_____ The changes requested by the revisor are approved by the agency.

_____ The changes requested by the revisor are not approved by the agency

Agency's Representative

_____ The attorney general agrees that the changes requested by the revisor are form changes, not substantive changes.

Assistant Attorney General

September 15, 1981

DEPARTMENT OF ADMINISTRATION

BOARD OF ELECTRICITY

In the Matter of the Amendment of
Rules of the State Board of Electricity
Governing Licensure and Examination Fees

ORDER TO ADOPT RULES

Adopted Rule Amending License, Renewal and Examination Fees

The rule proposed and published at State Register, Volume 6, Number 6, pp. 157-159, August 10, 1981 (6 S.R. 157) is now adopted as proposed (4MCAR § 11.032). The amendment adopted at State Register, Vol.6, No.8, p. 233, Aug. 24, 1981 (6 S.R. 233) is hereby repealed. This order shall be effective Nov.1, 1981.

John Quinn

Executive Secretary

State Board of Electricity

Room N-191, Griggs Midway Building

1821 University Avenue

Saint Paul, Minnesota 55104

Telephone: (612) 297-2111

M I N N E S O T A
STATE BOARD OF ELECTRICITY
GRIGGS MIDWAY BLDG., ROOM N-191
1821 UNIVERSITY AVENUE
ST. PAUL, MN. 55104

REGULAR BOARD MEETING, JULY 21, 1981 (TUESDAY) 10:00 A. M. - ST. PAUL

Review of applications prior to meeting.

OPENING

Review of applications from 8:50 a.m. to 9:50 a.m.
Meeting called to order at 9:58 a.m. Mr. Hanson presiding.

Roll call, those present: Messrs. Hanson, Bornus, Hiebert, Gerling, Downs, Holsing, Hill and Petty

Also present: Messrs. Quinn, Foley and Synstelien

#1 READING OF MINUTES OF PREVIOUS BOARD AND COMMITTEE MEETINGS
Minutes of Board Meeting, July 7, 1981.
Motion by Mr. Downs; 2nd by Mr. Bornus, that the Board APPROVE the above minutes as read.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

#2 A) DISBURSEMENTS B) SPECIAL EXPENSES & REFUNDS C) FINANICAL REPORTS & MISC.

A) Disbursements

Payroll Register for pay period ending May 29, 1981	$ 15,212.23
" " " " " " June 12, 1981	15,212.18
" " " " " " June 26, 1981	15,318.45
" " " " " " July 10, 1981	15,260.85
State Equipment Repair # A9414	66.80
State Register Publication Request	54.00
Requisition for Printing # 48314	126.56
Central Stores Requsition # 10607	23.30
DEPARTMENT TRANSMITTAL LETTER, Batch No. 77	2,977.98
" " " Batch No. 78	2,468,07
" " " Batch No. 79	157.75
" " " Batch No. 1 FY 82	37,808.34
" " " Batch No. 2 FY 82	22,388.88
INWATS/OUTWATS Telephone Billing for May, 1981	109.91

Motion by Mr. Holsing; 2nd by Mr. Hiebert, that the Board APPROVE the above disbursements.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

B) Special Expenses & Refunds
1. Respectfully request the payment of per diem and travel expenses to Allan Hill, Cecil Holsing and Gordon Gerling for attending a Co-generation meeting on July 16, 1981 at the State Board of Electricity offices.
Motion by Mr. Bornus; 2nd by Mr. Hiebert, that the Board APPROVE the above request.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

REGULAR BOARD MEETING, JULY 21, 1981 (TUESDAY) 10:00 A. M. - ST. PAUL

#2 SPECIAL EXPENSES & REFUNDS

B) Special Expenses & Refunds (Cont'd.)

2. Respectfully request the payment of per diem and travel expenses to Mr. Cecil Holsing for attending the Minnesota Chapter I.A.E.I. Educational Seminar on July 17 and 18, 1981 at Hill City, Minnesota.
Motion by Mr. Gerling; 2nd by Mr. Hill, that the Board APPROVE the above request.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

3. Respectfully request the payment of a refund to Electricraft of Duluth, Minnesota in the amount of $496.25 on Certificate S65825 as the work is not to be installed.
Motion by Mr. Gerling; 2nd by Mr. Bornus, that Board APPROVE the above refund request.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

C) Financial Reports & Misc.
NONE

#3 SPECIAL ORDERS OF BUSINESS

1. Appearance of Mr. Gary Johnson and Mr. Daryl O'Connell before the Board at 10:30 a.m. to discuss and clarify the work experience of Daryl O'Connell at Lake Harbor Electric, as his application is being challenged.
ACTION: Mr. Johnson and Mr. O'Connell did not appear. No action taken.

2. That the Board accept the Consent Order recommended by the Complaint Committee involving Steven Eichmiller Electric.
Motion by Mr. Holsing; 2nd by Mr. Downs, that the Board APPROVE the Consent Order involving Steven Eichmiller Electric.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

3. Be it resolved that the rules amending fees proposed at State Register, June 29, 1981 PP. 2092-2093 are hereby adopted as of July 30, 1981, and that John Quinn, Executive Secretary of the Board of Electricity is hereby authorized to take all steps necessary for the formal adoption of these rules, provided that no comments substantially different already received by the Board are received prior to July 30, 1981.
Motion by Mr. Gerling; 2nd by Mr. Downs, that the Board authorize Mr. Quinn to take all necessary steps for the formal adoption of the above rules.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

REGULAR BOARD MEETING, JULY 21, 1981 (TUESDAY) 10:00 A. M. - ST. PAUL

#3 SPECIAL ORDERS OF BUSINESS (Cont'd.)

4. PROPOSED RULES
Be it resolved that John Quinn, Executive Secretary of the Board of Electricity is hereby authorized to take all steps necessary to adopt rules without hearing amending license renewal and examination fees including the preparation of all necessary documents, and publication and mailing of notice of intent to adopt rules without hearing.
Motion by Mr. Holsing; 2nd by Mr. Bornus, the Board authorize Mr. Quinn to take all the necessary steps to adopt rules without hearing for renewal and examination fees.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

#4 LICENSING DEPARTMENT BUSINESS

A) Examination scores of 68% - 69% - 70% - 71%
NONE

B) Board Review List
NONE

C) Reciprocal License Requests
NONE

D) Examination Report & Summary for the Month of June, 1981.

#5 INSPECTION DEPARTMENT BUSINESS

A) Conviction Reports to State Board of Electricity

1. Person filing Complaint: Bob Johnsen
Defendant: George Hatecke
Property Owner: Guppy's Pike Lake Drive-In
(Deferred prosecution - one year's probation)

2. Person filing Complaint: Vernon Thompson
Defendant: Curtis Balling
Property Owner: City of Beaver Creek, MN.
(Guilty - fined $350.00 with $275.00 suspended for one year if all certificates are sent in and kept up to date.)

#6 REPORTS FOR BOARD OFFICERS

A) Board Members
NONE

B) Executive Secretary's Report

1. Report on co-generation meeting.

2. Report on strike of State employees.

REGULAR BOARD MEETING, JULY 21, 1981 (TUESDAY) 10:00 A. M. - ST. PAUL

#7 BOARD DISCUSSTION

A) Regular Board Meeting, August 4, 1981 (TUESDAY) 10:00 a.m.
B) Regular Board Meeting, August 18, 1981 (TUESDAY) 10:00 a.m.
C) Regular Board Meeting, Sept. 1, 1981 (TUESDAY) 10:00 a.m.
D) Regular Board Meeting, Sept. 15, 1981 (TUESDAY) 10:00 a.m.

#8 ADJOURNMENT

Motion by Mr. Downs; 2nd by Mr. Hiebert, that this Regular Board Meeting of the State Board of Electricity be hereby adjourned at 10:50 a.m.
VOTE: HILL AYE: HOLSING AYE: HIEBERT AYE: GERLING AYE: DOWNS AYE: BORNUS AYE: PETTY AYE: UNANIMOUS
ACTION: Approved and Carried.

Jefferson K. Petty, SECRETARY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Notice of Proposed Amendment To Rules To Be Adopted Without Hearing and Request For Public Comment

AFFIDAVIT OF MAILING

Dolores R. Brueske being first duly sworn, deposes and says:

That by the 5th day of August, 1981, at the City of Saint Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Proposed Amendment To Rules To Be Adopted Without Hearing and Request For Public Comment by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested notice of proposed and adopted rule additions and changes pursuant to Laws 1980, Chapter 615, Paragraph 6. means Section

Dolores R Brueske

Subscribed and sworn to before me

This 6th day of August, 1981

Joanne P Peterson

(Notary Public)

JOANNE P. PETERSON
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPT. 19, 1984

PERSONS TO BE NOTIFIED OF PROPOSED NEW OR REVISED RULES

Mr. Clarence Johnson
3615 - 37th Avenue S.
Minneapolis, MN. 55406

Ms. Judith G. Schotzko
Frundt, Frundt & Johnson
117 W. 5th Street
Blue Earth, MN. 56013

Mr. Lowell E. Torseth
Executive Secretary
Board of Architecture, Engineering,
Land Surveying & Landscape Architecture
500 Metro Square
St. Paul, MN. 55101

Mr. Norman Osterby
Director, Bldg. Codes & Standards Division
408 Metro Square Bldg.
7th & Robert Streets
St. Paul, MN. 55101

Mr. Don Pates, Assistant Director
State of Minnesota Building Code Division
408 Metro Square Bldg.
7th and Robert Streets
St. Paul, MN. 55101

Mr. James D. Wolverton, P.E.
Wolverton Engineering Company
847 - 40th Avenue N.E.
Columbia Heights, MN. 55421

Mr. Thomas M. Polt
Polt Law Offices
McCarthy Bldg.
Eyota, MN. 55934

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN. 55103

Bonnie M. Spencer, Director
State Regulatory Affairs
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, VA. 22041

Peterson, Popovich, Knutson & Flynn
Mr. Peters S. Popovich
314 Minnesota Bldg.
St. Paul, MN. 55101

Bonnie Bannanno
Office of Hearing Examiners
Room 300, 1745 University Avenue
St. Paul, MN. 55104

Mr. Dennis R. Johnson
3837 - 24th Avenue S.
Minneapolis, MN. 55406

Mr. William R. Carter, III
Peace Officer Standards & Training
500 Metro Square Bldg.
St. Paul, MN. 55101

State of Minnesota Building Code Division
408 Metro Square Bldg.
7th and Robert Streets
St. Paul, MN. 55101
ATTN: Peggi Opalinski

Mr. Dick Brooks, Assistant Director
State of Minnesota Building Code Division
408 Metro Square Bldg.
7th and Robert Streets
St. Paul, MN. 55101

Mr. Elroy Berdahl, Code Consultant
State of Minnesota Building Code Division
408 Metro Square Bldg.
7th and Robert Streets
St. Paul, MN. 55101

Jean Dawson, Editor
The Minnesota Government Report
B-12, Press Room, State Capitol Bldg.
St. Paul, MN. 55155

Mr. Donald E. Montgomery, Executive Directo
Minnesota Chapter Associated Builders
and Contractors, Inc.
6300 Walker Street, Suite 109
Minneapolis, MN. 55416

Antitrust Division
Minnesota Attorney General's Office
117 University Avenue, 2nd Floor
St. Paul, MN. 55155

M. S. Schumacher, New Assistant
Minneapolis Tribune
425 Portland Avenue
Mpls., MN. 55488

Fredrik M. Chirstiansen
Department of Education
Room 911, Captiol Square Bldg.
St. Paul, MN. 55101

Susan P. Robertson, Executive Director
Legislative Comm. to Review Administrative
Rules
Room 430, State Office Bldg.
St. Paul, MN. 55155

In the Matter of the Amendment of Rules
of the State Board of Electricity Governing
License and Renewal Fees

I hereby certify that the following is a true and correct copy of a resolution adopted by the Board of Electricity at its regularily scheduled meeting, September 15, 1981.

Be it resolved that the Board of Electricity has examined all the documents and has received no comments or requests for hearings and that the rules amending license renewal dates and examination fees published at State Register, August 10, 1981, pp. 157-159, are hereby adopted as published effective November 1, 1981, and John Quinn is hereby authorized to take all steps necessary for the formal adoption of these rules.

Darwin Draisey, PRESIDENT
State Board of Electricity

ATTEST: H. Jack Hanson, VICE PRESIDENT
State Board of Electricity

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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 time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Administration
Board of Electricity

Proposed Amendment of Rules of the State Board of Electricity Governing Licensure and Fees

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Electricity ("board") proposes to amend the above-entitled rules without a public hearing. The board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

John Quinn
Executive Secretary
State Board of Electricity
Room N-191, Griggs Midway Building
1821 University Avenue
Saint Paul, Minnesota 55104
Telephone: (612) 297-2111

Authority for the adoption of these rules is contained in Minn. Stat. §§ 214.06 and 326.241 subd. 2(6) (1980). Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Quinn upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and

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.

reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive a copy of the final rules as adopted should submit a written statement of such request to Mr. Quinn.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

John Quinn, Executive Secretary
State Board of Electricity

Rule as Proposed

4 MCAR § 11.032 Licenses~~, examination and renewal~~; expiration; fees.

A. Expiration. Except as otherwise provided in this rule, all licenses issued ~~hereunder shall~~ or renewed under this rule expire ~~one year~~ two years from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed before March 1, 1982, expire one year from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed on or after March 1, 1982, expire March 1 of the next even-numbered year after issuance or renewal. Electrical contractor licenses issued or renewed after August 31, 1981, but before September 1, 1982, expire September 1, 1982. Electrical contractor licenses issued or renewed after August 31, 1982, expire March 1 of the next even-numbered year after issuance or renewal.

B. Examination, issuance, and renewal fees. The following fees shall be payable for examination, issuance, and renewal:

1. For examination for each class of electrician's license:

~~a. Class "A" Master~~	$25.00
~~b. Class "B" Master~~	~~$35.00~~
~~c. Class "A" Journeyman, Class "B" Journeyman, Installer or Special Electrician~~	~~$20.00~~
	~~$10.00~~

2. For issuance of original license and renewal:

a. Class "A" Master	~~$35.00~~ $35.00 a year
b. Class "B" Master	~~$20.00~~ $20.00 a year
c. Class "A" Journeyman, Class "B" Journeyman, Class A or B Installer or Special Electrician	~~$ 7.50~~ $10.00 a year
d. Electrical ~~Contractor's licenses shall be renewed on September 1st of each year. Original & renewal fee~~ Contractor	~~$10.00~~ $75.00 a year

3. If a Class "A" Master or Class "B" Master license is issued or renewed in accordance with A. for less than two years, the fee for the license shall be prorated on a monthly basis for each month or part of a month that the license is issued or renewed. The electrical contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued or renewed in accordance with A.

4. A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with the requirements of B.3., the amount of the overpayment shall be refunded.

C. Reissuance fee. Any electrical contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to ~~Minn. Reg.~~ rule Elec 26 of the Board of Electricity shall submit a reissuance fee of ~~$100.00~~ $100 before the license is reinstated.

D. Duplicate license fee. The fee for the issuance of each duplicate license is $3.

Minnesota Housing Finance Agency

Notice of Correction of Publication of Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund

The Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund as published in the *State Register* of Monday, July 20, 1981 (6 S.R. 69) contained several errors. The request for public comment is reprinted below with the corrected proposed temporary rules.

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for Limited Unit Developments and to establish eligibility for the Home Ownership Assistance Fund, pursuant to Laws 1981, Chapter 306, Section 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200—Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rules 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 rules.

June 26, 1981

James J. Solem, Executive Director

Rules as Proposed

12 MCAR § 3.002 O.1. With respect to Limited-Unit Mortgage Loans pursuant to Chapter Four of these Rules, Development Cost Loans pursuant to Chapter Three of these rules, Planning Grants pursuant to Chapter Five of these rules, and American Indian Housing Loans pursuant to Chapter Eight of these rules, which loans and grants are intended for a Limited-Unit Development or a dwelling unit in a planned unit development or a condominium, those persons and families whose Adjusted Income does not exceed ~~$19,000 in the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2 and $17,500 in the remainder of the state~~ the amounts set forth in Exhibit 1 below or such lower amount as shall be required to assure that the interest on obligations of the agency will be exempt from federal income taxation:

EXHIBIT 1

Mortgage Interest Rate	Regions 1-10 Maximum Adjusted Income	Region 11 Maximum Adjusted Income
0-10.59%	$19,000	$24,000
10.60-11.09%	$20,000	$25,000
11.10-11.59%	$21,000	$26,000
11.60-12.00%	$22,000	$27,000

; and

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STATE BOARD OF ELECTRICITY

Proposed License Renewal Dates and
Examination Fees

State of Need and Reasonableness

4 MCAR § 11.032

It was the suggestion of the Office of the Legislative Auditor's Program Evaluation Division that the Board of Electricity revise its current rules so that electrician's licenses are renewed at staggered intervals of at least two years.

The evaluation report pointed out using the two year renewal dates could reduce the administrative costs by $20,000 over a fiscal biennium.

The Board is changing the renewal date of the contractor's license from September 1 to March 1. The March date will reduce the hiring of temporary and emergency help to process the contractor's licenses during July, August and September, which is the Board's peak workload.

All other licenses will be issued on a two year basis from the date of issuance.

A fee of $25.00 will be charged for examination for each class of electrician's license. The Board had previously charged $35.00, $20.00 and $10.00. There is no difference in the administrative costs for examination for each class of electrician's license.

The Board's licenses are now being issued by State computer, and it does have the capability of issuing a duplicate license. A fee of $3.00 will be charged for the issuance of each duplicate license to recover the administrative cost.

DEPARTMENT OF ADMINISTRATION

BOARD OF ELECTRICITY

In the Matter of the Amendment of
Rules of the State Board of Electricity
Governing Licensure and Examination Fees

STATEMENT OF COMPLIANCE

I, Special Assistant Attorney General Robert J. Clayton, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Robert J Clayton

ROBERT J. CLAYTON
Special Assistant Attorney General

Dated: September 21, 1981.