

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1121

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-3
DATE FOR REVIEW 10-12
DATE DUE 10-17

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

Approved 10-17-83 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 10/5/83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 9.30.83 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
8.22.83 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

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

✓ 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

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

STATE OF MINNESOTA
DEPARTMENT OF REVENUE
CENTENNIAL OFFICE BUILDING
SAINT PAUL, MINNESOTA 55145
PHONE: (612) 296-3439

October 3, 1983

Office of Attorney General
4th Floor, State Office Building
St. Paul, Minnesota 55155

Re: Review of the Matter of the Proposed Repeal of an Income Tax Rule of the Department of Revenue Relating to Individual Housing Accounts (13 MCAR Section 1.6016).

Dear Sir or Madam:

In accordance with Minnesota Statutes, Section 14.26 and 1 MCAR Section 1.203, the following documents are enclosed for your review:

1. Rule Repealer as Adopted (original and three copies). There were no changes in the rule as originally published.
2. Order Adopting (two copies).
3. Order for Notice of Intent to Repeal an Income Tax Rule of the Department Without Public Hearing.
4. Notice of Intent to Repeal an Income Tax Rule Without a Public Hearing.
5. Affidavits of Mailing (Notice of Intent to Repeal a Rule Without a Public Hearing).
6. Certificate of Completeness and Accuracy (Mailing List Certificate).
7. Copy of the August 22, 1983 State Register in which the rule was published.
8. Statement of Need and Reasonableness.
9. Certificate of Compliance With Rulemaking Procedure.

The Department received no written comments regarding the repeal of this rule. Please contact the undersigned if there are any questions.

Very truly yours,

John P. Malach, Jr., Attorney
Income Tax Division

JPM/ml

Enclosures

AN EQUAL OPPORTUNITY EMPLOYER

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Arthur C. Roemer, Commissioner of Revenue DATE: 10/17/83

Attn: JOHN P. MALACH, Jr.
Income Tax Attorney

FROM : MARTHA J. CASSERLY MJC PHONE: 296-4692
Legal Assistant

SUBJECT: In the Matter of the Proposed Repeal of an Income Tax Rule of the Department of Revenue Relating to Individual Housing Accounts (13 MCAR Section 1.6016).

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;

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.

Encs.
MJC/ls

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Revenue

Income Tax Division

Adopted Repeal of an Income Tax Rule Relating to Individual Housing Accounts

Rule as Adopted

Repealer. Rule 13 MCAR S 1.6016 is repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 18 1983
Joan Anderson Growe
Secretary of State

11:05 AM

APPROVED AS TO FORM AND LEGALITY
October 17 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL
Legal Assistant

Rules as Proposed (all new material)

Repealer. Rule 13 MCAR S 1.6016 is repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD397

Agency: Department of Revenue

Division: Income Tax

Agency Contact: Dale Busacker

Rule Numbers: 13 MCAR S 1.6016

Title: Proposed Rule Relating to Individual Housing Accounts Repealer.

Type of Rules: Permanent

Incorporations by Reference: None
Rule Number: Material Incorporated:

Duplication of Statutory Language: None
Rule Number: Statutory Section Duplicated:

The attached rules are approved as to form.

APPROVED AS TO FORM AND LEGALITY
October 17 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J Carsely
SPECIAL ASSISTANT ATTORNEY GENERAL
Legal Assistant

Steven C. Cross
Revisor of Statutes

Janet C. Rahm
Assistant Revisor
Phone: 296-0952
Date: August 2, 1983

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

IN THE MATTER OF THE PROPOSED REPEAL
OF AN INCOME TAX RULE OF THE DEPARTMENT
OF REVENUE RELATING TO INDIVIDUAL HOUSING
ACCOUNTS (13 MCAR SECTION 1.6016).

ORDER
REPEALING
RULE.

Notice of the Commissioner's intent to repeal an income tax rule of the Department of Revenue relating to Individual Housing Accounts (13 MCAR Section 1.6016) was published in the State Register on August 22, 1983 and was sent by the United States mail or interoffice mail where appropriate to all persons on the list maintained by the agency pursuant to Minnesota Statutes, Section 14.14, subdivision 1 and on an Individual Housing Account supplemental list on August 18, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after notice, and receiving no written requests for a public hearing within the 30-day comment period, I have determined the need for and reasonableness of the above-captioned rule repealer. No amendments are proposed to the rule repealer as it was printed in the State Register.

Now, Therefore, It Is Ordered that the repeal of the income tax rule of the Department of Revenue relating to Individual Housing Accounts (13 MCAR Section 1.6016) is adopted this 30th day of September, 1983 pursuant to the authority vested in my by Minnesota Statutes, Section 290.52.

State of Minnesota

Arthur C. Roemer

ARTHUR C. ROEMER
Commissioner of Revenue

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

INCOME TAX DIVISION

IN THE MATTER of the Proposed
Repeal of an Income Tax Rule
of the Department of Revenue
Relating to Individual Housing
Accounts (13 MCAR Section 1.6016)

Order for Notice of
Intent to Repeal Rules
Without Public Hearing

It is ordered this 5th day of August, 1983, that Notice of Intent to Repeal a Rule Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Revenue for that purpose and be published in the State Register.

State of Minnesota

Arthur C. Roemer

Arthur C. Roemer
Commissioner of Revenue

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

INCOME TAX DIVISION

IN THE MATTER of the Proposed Repeal of an Income Tax Rule of the Department of Revenue Relating to Individual Housing Accounts (13 MCAR Section 1.6016)

Notice of Intent to Repeal a Rule Without a Public Hearing

Notice is hereby given that the Department of Revenue proposes to repeal 13 MCAR Section 1.6016, Individual Housing Accounts, without a public hearing. The commissioner of revenue has determined that the proposed repeal of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28.

13 MCAR Section 1.6016 deals with Individual Housing Accounts. The authority for the rule was contained in Minnesota Statutes, Section 290.08, subdivision 25. Minnesota Statutes, Section 290.08, subdivision 25 was repealed by the legislature in the 1983 Omnibus Tax Bill, Laws 1983, Chapter 342, Article I, Section 44. The repeal of Minnesota Statutes, Section 290.08, subdivision 25 was made effective for taxable years beginning after December 31, 1982. Therefore, it is proposed that the rule be repealed.

Persons interested in this rule repealer shall have 30 days to submit comments on the proposed rule repealer. The proposed rule repealer 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 repeal.

Unless seven or more persons submit written requests for a public hearing on the proposed rule repealer 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 Minnesota Statutes, Sections 14.13 to 14.20.

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

Mr. John P. Malach, Jr.
Attorney, Income Tax Division
Minnesota Department of Revenue
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-3439

Authority for the repeal of this rule is contained in Minnesota Statutes, Section 290.52. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the rule repealer and identifies the data and information relied upon, to support the proposed rule repealer, has been prepared and is available from Mr. Malach upon request.

Upon adoption of the final rule without public hearing, the proposed rule repealer, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule Repealer as Adopted will be delivered to 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 this material to the Attorney General or who wish to receive a copy of the final rule repealer, as proposed for adoption, should submit a written statement of such request to Mr. Malach.

The entire text of the proposed rule repealer is as follows: Repealer. Rule 13 MCAR Section 1.6016 is repealed.

August 5, 1983

State of Minnesota

Arthur C. Roemer

Arthur C. Roemer
Commissioner of Revenue

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

INCOME TAX DIVISION

IN THE MATTER of the Proposed
Repeal of an Income Tax Rule
of the Department of Revenue
Relating to Individual Housing
Accounts (13 MCAR Section 1.6016)

AFFIDAVIT

John P. Malach, Jr., being first duly sworn, deposes and says:

That on the 9th day of August, 1983 at the City of St. Paul, County of Ramsey, State of Minnesota, he personally received the list of persons, associations and other interested groups who had registered with the Department of Revenue for the purpose of receiving notice of public hearing on proposed rules. A copy of this list is attached.

John P. Malach, Jr.

Subscribed and sworn to before me
this 9th day of August, 1983.

James H. Marzinan, Jr.

James H. Marzinan, Jr.
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires Apr. 24, 1986

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

IN THE MATTER of the Proposed
Repeal of an Income Tax Rule
of the Department of Revenue
Relating to Individual Housing
Accounts (13 MCAR Section 1.6016)

CERTIFICATE OF
COMPLETENESS AND ACCURACY

I hereby certify that the attached 28 sheets constitute the complete list of persons, associations and other interested groups who, as of 8:00 o'clock A.M., this 9th day of August, 1983, have requested, pursuant to Minn. Stat. Section 14.14, subd. 1, that their names be placed on file with the Department of Revenue for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

STATE OF MINNESOTA
ARTHUR C. ROEMER
COMMISSIONER OF REVENUE

By Donna L. Walbridge
Donna L. Walbridge
Commissioner's Staff

Advocate for the Blind
1821 University Avenue, Rm. 389S
St. Paul, MN 55104

Mr. Bruce Akerman
1300 N.W. Bank Building
Minneapolis, MN 55402

Allard & Schwanke
Licensed Public Accountants
202 Ironwood Square
300 Third Avenue Southeast
Rochester, MN 55901

American Legion Club
Box 183
Hill City, MN 55748

Anderson & Peterson, LPAs
Dodge Professional Building
Moose Lake, MN 55767

David J. Anderson
Certified Public Accountant
2415 Annapolis Lane, Suite 110
Minneapolis, MN 55441

Dwight C. Anderson, C.P.A.
Box 2924
Fargo, ND 58108

Anderson, Johnson & Co., Ltd.
Certified Public Accountants
1068 South Lake St.
Forest Lake, MN 55025

Anderson, Keszler & Associates
Accountants and Auditors
1202 23rd Street So., Box 2924
Fargo, ND 58108

Arrowhead Accounting Service
Box 240
Coleraine, MN 55722

Arsenal Sand & Gravel Co., Inc.
P. O. Box 12707
New Brighton, MN 55112

Arthur Treacher's Fish & Chips, Inc.
5501 Tabor Road
Philadelphia, PA 19120
Attn: J. A. Altomare

Association of MN Counties
2305 Ford Parkway
St. Paul, MN 55116
Attn: James C. Shipman
Executive Director

Ausmus Furniture & Carpet
Hinckley,
MN 55037

Auto-Soler Co.
5101 Fulton Industrial Blvd. SW
Atlanta, GA 30336
Attn: H. Ensign, General Accountant

Wesley L. Bahl
P. O. Box 822
Faribault, MN 55021

Donald V. Bailey
Attorney at Law
306 Minnesota Federal Bldg.
607 Marquette Avenue
Minneapolis, MN 55402

Bankers Service Company
1918 W. County Rd. C.
Roseville, MN 55113
Attn: Glenn Thomasen

Bauer Built, Inc.
P. O. Box 248
Durand, WI 54736
Attn: Calvin Jacks, Jr.
Operations Manager

Bemidji Area Chamber of Commerce
P. O. Box 806
Bemidji, MN 56601
Attn: Bookkeeper

T. A. Bengtson
Rural Route 2, Box 90
Waterville, MN 56096

L. T. Bensen & Associates
5315 France Avenue North
Minneapolis, MN 55429

Benson Tax Service
3109 Bloomington Ave. S.
Minneapolis, MN 55407
Attn: Peter J. Benson

Benusa T.V. & Appliance, Inc.
109 7th Avenue South
St. Cloud, MN 56301

Best & Flanagan
4040 IDS Center
Minneapolis, MN 55402
Attn: James C. Diracles

Gary D. Blackford, Esq.
Popham, Haik, et al
4355 IDS Center
Minneapolis, MN 55402

Lyle L. Boehlke
Boehlke & Son, Inc.
Box 86
Buffalo Lake, MN 55314

Oscar J. Boldt Construction Co.
P. O. Box 419
Appleton, WI 54912
Attn: Kathy L. Baumann

Bondhus Corporation
Lois M. Payne
Box 667
Monticello, MN 55362

Borowicz, Holmgren, Loberg & Co.
Certified Public Accountants
151 West 126th Street
Burnsville, MN 55337

Boulay, Heutmaker, Zibell & Co.
6800 France Avenue South
Minneapolis, MN 55435

Briggs & Morgan, P.A.
W-2200 First National Bank Building
St. Paul, MN 55101
Attn: Jerome A. Geis, Esq.

Broeker, Hartfeldt, Hedges & Grant
Attorneys at Law
2850 Metro Drive-Suite 800
Minneapolis, MN 55420
Attn: John M. Broeker

Broeker, Hartfeldt, Hedges & Grant
Attorneys at Law
2850 Metro Drive, Suite 800
Minneapolis, MN 55420
Attn: Angus M. Vaughan
Legal Assistant

Business and Financial Services
P. O. Box 365
Cannon Falls, MN 55009

Butler Manufacturing Company
BMA Tower, Penn Valley Park
Kansas City, MO 64141

Byerly's
7171 France Avenue So.
Edina, MN 55435
Attn: Don Hoekstra, Accts. Mgr.

C.A.P. Cooperative Oil Ass'n.
P. O. Box 38
Kettle River, MN 55757

Caldwell, Taylor & Brown, Ltd.
540 Shelard Plaza North
300 South County Road 18
Minneapolis, MN 55426

Carlisle Accounting Service
14645 Cameo Avenue
Rosemount, MN 55068

Daniel R. Cartier
Post Office Box 41245
10601 Olson Memorial Highway
Plymouth, MN 55441

Casey & Casey
Certified Public Accountants
7400 Metro Boulevard
Edina, MN 55435

CCH Computax Inc.
P. O. Box 92938
Worldway Postal Center
Los Angeles, CA 90009
Attn: John Koffroth, Tax Specialist

Chicago, Milwaukee, St. Paul
and Pacific Railroad Comapny
516 W. Jackson Blvd.
Chicago, IL 60608
Attn: Manager-Tax Accounting

Mrs. Laudine Christ
Rural Route #1, Box 90
Wells, MN 56097

City of Apple Valley
George E. Ballenger, Finance Dir.
14200 Cedar Avenue South
Apple Valley, MN 55124

Commercial Tally, Inc.
E K Williams & Co.
WestGate Mall
St. Cloud, MN 56301

Computer Techniques Inc.
7801 East Bush Lake Road
Minneapolis, MN 55435
Attn: Office Manager

Concrete Sectional Culvert Company
P. O. Box 1429
Fargo, ND 58102

County Flower Shop
Audrey Van Klompenburg
Route 3, Box 218
Montevideo, MN 56265

Country Furniture
D. J. Meyer Inc.
Lake Park, MN 56554

Crest Electronics
Simon at Third
Dassel, MN 55325
Attn: Carol A. Chap, Office Manager

Custom Printing, Inc.
P. O. Box 1010
1913 2nd Street S.W.
Rochester, MN 55901

Dacotah Paper Co.
1401 - 5th Avenue North
P. O. Box 2727
Fargo, ND 58108

Dan Blank Accounting
213 N. 1st Street
P. O. Box 530
Montevideo, MN 56265

Dayton's
700 on the Mall
Minneapolis, MN 55402
Attn: J.E. Wahl, Property Accounting

Dayton's - Advertising
700 Nicollet Mall
Minneapolis, MN 55402
Attn: Mr. Edward Hannasch

DDD Motel Corporation
111 Range Street
North Mankato, MN 56001
Attn: Shirley Miller, Bookkeeper

Dean's Towing & Auto Parks
P. O. Box 157
Brainerd, MN 56401

H. LeRoy DeBoom
3945 Zarthan Avenue
St. Louis Park, MN 55416

Jim DeChai
2419 Tunlaw Road N.W.
Washington, D.C. 20007

Lorraine DeMill
1414 13th Avenue E.
Hibbing, MN 55746

The Denesen Company, Inc.
2836 Colfax Avenue South
Minneapolis, MN 55408
Attn: R. L. Earlywine

Denny's North Star
Box 35
Hill City, MN 55748

Bob Dietrick, Treasurer
City of Excelsior
339 Third Street
Excelsior, MN 55331

Mr. Dennis J. Dietzler
Attorney at Law
7426 Nicollet Avenue So.
Richfield, MN 55423

Director Staff Services
2215 W. Old Shakopee Road
Bloomington, MN 55431
Attn: Lyle R. Olson

Distributors Novelty House, Inc.
119 North 4th Street
Minneapolis, MN 55401
Attn: Lois Mann, Bookkeeper

Dome Pipeline Corporation
P. O. Box 2608, Station M
Calgary, Canada T2P 2M7
Attn: K. D. Olstad

Dome Pipeline Corporation
P. O. Box 200
Calgary, Alberta
Canada T2P 2H8

Dorsey, Windhorst, Hannaford, Whitney
& Halladay
2300 First National Bank Building
Minneapolis, MN 55402
Attn: Philip M. Chen

Drug Fair, Inc.-Star Drug-Witte Drug
Industrial Park Road
Iowa City, IA 52240

E.A.T. Inc.
K-Bob Cafe & Riverside Deli
109 South 5th Avenue
Princeton, MN 55371

E. I. du Pont de Nemours & Co.
State, Excise & Employment Taxes Sec.
Room 1346 Farmers Bank Bldg.
1007 Market Street
Wilmington, DE 19898

Mary Lou Eltgroth
306 E. 4th Street
Morris, MN 56267

The Estenson Company
101 East Main
Luverne, MN 56156

Ernst & Whinney
1400 Pillsbury Center
Minneapolis, MN 55402

Ernst & Whinney
1400 Pillsbury Center
Minneapolis, MN 55402
Attn: Anthony M. Schelonka

FAB Pipe, Inc.
701 County Road 83
Shakopee, MN 55379

Fabri-Centers of America, Inc.
23550 Commerce Park Road
Beachwood, OH 44122
Attn: David Essi, Jr.
Tax Department

Donald M. Fahrenkamp
P. O. Box 305
4769 Dakota Street
Prior Lake, MN 55372

Farmers Exchange Cooperative
Lake Park
IA 51347

First Northwestern Bank
110 E. 3rd Street
Box 579
Thief River Falls, MN 56701

Firstbank Financial Corporation
100 Federal Street
Boston, MA 02110
Attn: Renato R. Te, Accounting Officer

Firstmiss Inc.
P. O. Box 328
Ft. Madison, IA 52627
Attn. Financial/Tax Accountant

Stephen H. Fischer
Certified Public Accountant
Suite 357
10901 Red Circle Drive
Minnetonka, MN 55343

Flight Transportation Corporation
9960 Flying Cloud Drive
Minneapolis, MN 55344
Attn: Glen Grambart, Asst. Controller

The Flintkote Company
P. O. Box 800
Dallas, TX 75221
Attn: Tax Department
Account No. 8665376

John Henry Foster Co., Inc.
3748 Minnehaha Ave.
Minneapolis, MN 55406
Attn: Edward H. Mayhew

John Henry Foster Co., Inc.
10740 Midwest Industrial Blvd.
St. Louis, MO 63132
Attn: Fred R. Nolkemper

Fox & Company
1800 Northwestern Financial Center
7900 Xerxes Avenue South
Minneapolis, MN 55431

Conrad M. Fredin
Attorney at Law
811 1st National Bank Bldg.
Duluth, MN 55802

Froedtert Malt Corporation
P. O. Box 712
Milwaukee, WI 53201
Attn: A. De Bauche

Froedtert Malt Corp.
P. O. Box 712
Milwaukee, WI 53201
Attn: R. Strauss

Frundt, Frundt & Johnson
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117 West 5th Street
Blue Earth, MN 56013

Furniture et cetera, Inc.
311 South Main
Hector, MN 55342

Gavin, Olson & Conkel, Ltd.
Gavin Law Building
Glencoe, MN 55336

General Business Services
P. O. Box 365
Cannon Falls, MN 55009

General Business Service
1827 No. St. Paul Road
Maplewood, MN 55109

General Mills, Inc.
c/o R. D. Mueller, Tax Manager
P. O. Box 1113
Minneapolis, MN 55440

Gildner Stores, Inc.
15½ N. Federal
Mason City, IA 50401

Goering Fire Suppression, Inc.
9803 Logan Avenue South
Bloomington, MN 55431

Goodall Rubber Company
P. O. Box 8237
Trenton, NJ 08650
Attn: G. E. Hamilton, Tax Manager

Elmer A. Goodman
Route 2, Box 276
Rockford, MN 55373

Grace Home, Inc.
Graceville, MN 56240

Grain Terminal Association
Tax & Patron Equities Department
P. O. Box 43594
St. Paul, MN 55164

Richard J. Graf
10505 Decatur Circle
Minneapolis, MN 55438

Graves, McKenna, Lundeen & Almquist
6800 France Avenue South
Minneapolis, MN 55435
Attn: Mary Olmscheid

H & R Block, Inc.
Regional Office
3990 Central Avenue N.E.
Minneapolis, MN 55421
Attn: Richard Fretland

Haack Tax Service
1506 3rd Avenue N.W.
Rochester, MN 55901

Habert Accounting
2127 West Superior St.
Duluth, MN 55806
Attn: Karen Habert

Hackbarth Auto & Tractor Supply, Inc.
Howard Lake, MN 55349
Attn: Betty Jane Hackbarth

Mathew Hall Lumber Co.
127 6th Avenue North
St. Cloud, MN 56301

Philip M. Hanft
Attorney at Law
1200 Alworth Building
Duluth, MN 55802

Reid J. Hansen
Dakota Central Offices
14450 South Robert Trail
Rosemount, MN 55068

E. Hara
2160 Orchard Ave. N.
Golden Valley, MN 55422

Melvin R. Harris
Suite 915 Park Place
5775 Wayzata Boulevard
St. Louis Park, MN 55416

The Hart Press, Inc.
333 Central Avenue
Long Prairie, MN 56347
Attn: John L. Larson, Accountant

Alfred L. Haugud
Box 49
Fairmont, MN 56031

Havemeier's Accounting
P. O. Box 367
Hutchinson, MN 55350
Attn: Jim Drahos

Hayssen Manufacturing Company
P. O. Box 571
Sheboygan, WI 53081
Attn: L. H. Volz

HBE Leasing Corporation
717 Office Parkway
P. O. Box 27340
St. Louis MO 63141

Heart of America
1853 Zanzibar Lane
Minneapolis, MN 55447
Attn: Ms. Sonya H. Stenulson

Perry and Jane Hendricks
Route 1
Millville, MN 55957

Wallace F. Hilke, C.P.A.
33 E. Wentworth Avenue
West St. Paul, MN 55118

Erwin Hill, CPA
P. O. Box B
Austin, MN 55912

Brad Hoffman
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Holcomb, Knudson & Co.
P. O. Box 1043
Grand Forks, ND 58201
Attn: Gerald C. Knudson

Honeywell Inc.
Honeywell Plaza, MN 12-4184
Minneapolis, MN 55408
Attn: Robert H. Dillon
Director, Tax Admin.

Honeywell Inc.
Honeywell Plaza
Minneapolis, MN 55408
Attn: Mr. W. C. Viitala
Dir. of Public Affairs

Hopkins Lodge No. 2221
30 - 8th Avenue South
P. O. Box 106
Hopkins, MN 55343

Paul J. Huber LTD
Certified Public Accountants
1821 University Avenue
St. Paul, MN 55104

Hudrlik Furniture
125-133 W. Bridge St.
Owatonna, MN 55060

Human Service Agency
Wright Co. Courthouse
Buffalo, MN 55313
Attn: Janice M. Devens, Director

INDEP. BANKERS OF MN
327 Plymouth Building
12 South 6th Street
Minneapolis, MN 55402
Attn: Norbert McCrady, Exec. V.P.

Inryco, Inc.
Tax Division
P. O. Box 8237
Chicago, IL 60680

Inter-City Gas Corporation
Inter-City Gas Building
444 St. Mary Avenue
Winnepeg Manitoba Canada
R3C3T7

International Business Machines Corp.
Armonk, NY 10504
Attention: J. J. Nash

International Research & Evaluation
Research Publication Division
21098 IRE Control Center
Eagan, MN 55121

Interstate Power Company
President
1000 Main Street
Dubuque, IA 52001

ISC Corporate Offices
E. 9922 Montgomery
Spokane, WA 99206

Keith E. Jacob Associates, Inc.
329 West Fifteenth Street
Minneapolis, MN 55403

Barbara Johnson
1636 Taylor Avenue
St. Paul, MN 55104

Johnson Engineering
Grandy, MN 55029

David E. Johnson (Mrs.)
401 Maple
Kilkenny, MN 56052

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Certified Public Accountants
1450 North Highway 60
P. O. Box 307
Windom, MN 56101
Attn: Chris K. Johnson

Harley Y. Karvonen
Public Accountant
544 - 4th Street S.W.
Perham, MN 56573

Kato Moving & Storage Co.
Route 1, Box 216
Mankato, MN 56001
Attn: Linda Miller

Kelco Supply Company
311 East 14th Street
Minneapolis, MN 55404

Mr. Jay B. Kelly
Suite W-1294
First National Bank Building
St. Paul, MN 55101

Kern, Paganski, Hirschfeld & Company
c/o Don Meyer
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Lake City Gas, Inc.
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Attention: Alfred E. France, President

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Admin. Rules
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Wolverton Farmers Elevator
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Eleanor Ziesmer
Olivia, MN 56277

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

INCOME TAX DIVISION

IN THE MATTER of the Proposed
Repeal of an Income Tax Rule
of the Department of Revenue
Relating to Individual Housing
Accounts (13 MCAR Section 1.6016)

AFFIDAVIT

Mary Lacho, being first duly sworn, deposes and says:

That on the 18th day of August, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Hearing in the matter of the proposed repeal of an income tax rule of the Department of Revenue by depositing in the United States mail, or in the State of Minnesota interoffice mail service where appropriate, at the City of St. Paul, a true and correct copy of the Notice, properly enveloped, with postage prepaid, to all persons and associations at the address listed on the attached supplemental list.

Mary Lacho

Mary Lacho

Subscribed and sworn to before me this
18th day of August, 1983.

Kathryn A. Kenney

KATHRYN A. KENNEY
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 8, 1988

Copy of the Notice of Intent to Repeal a Rule Without a Public Hearing on an income tax rule relating to Individual Housing Accounts went to the following on August 18, 1983:

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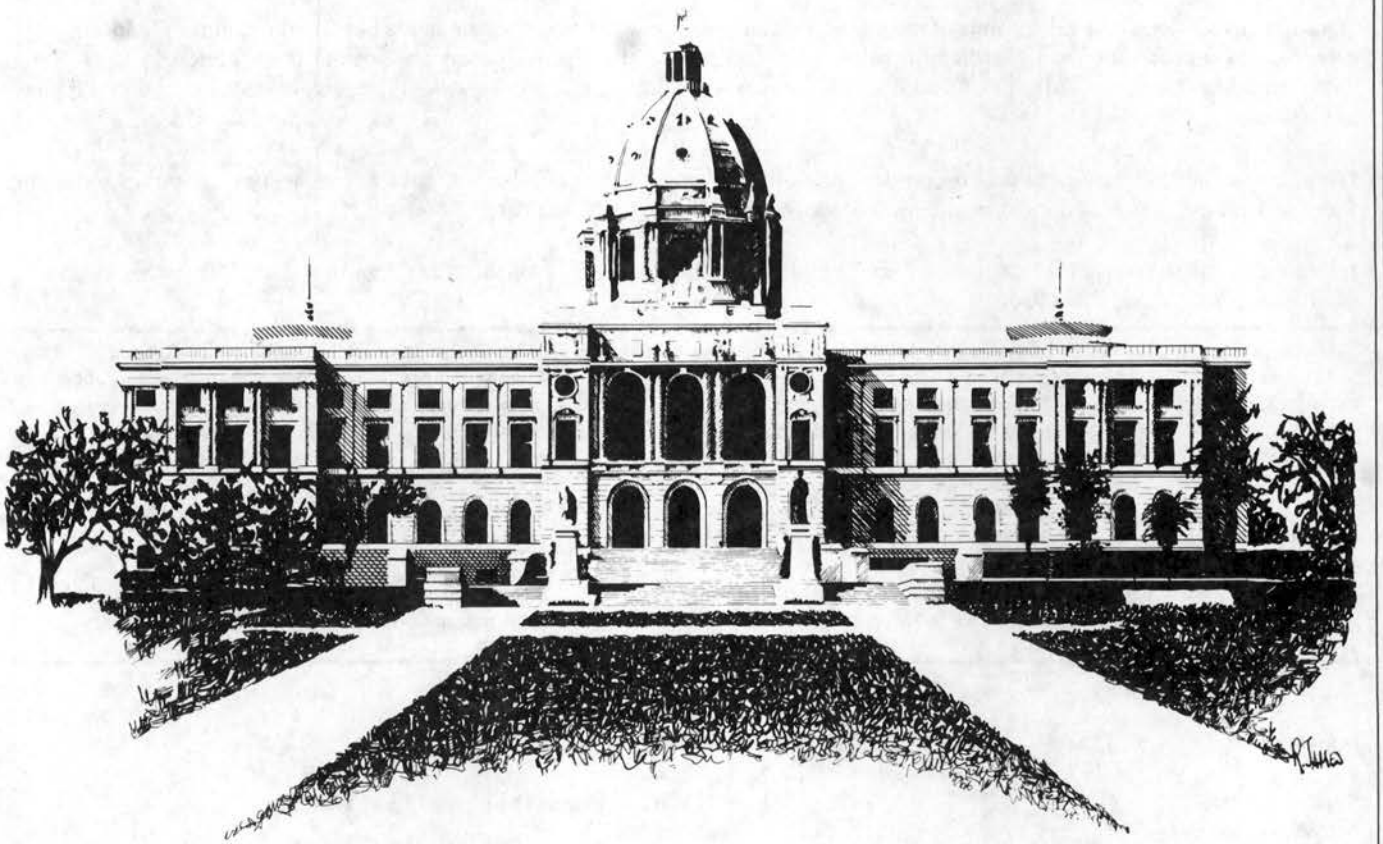
SEE P. 292

STATE REGISTER

STATE OF MINNESOTA



VOLUME 8, NUMBER 8

August 22, 1983

Pages 253-316

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 8		
9	Monday Aug 15	Monday Aug 22	Monday Aug 29
10	Monday Aug 22	Monday Aug 29	Monday Sept 5
11	Monday Aug 29	Monday Sept 5	Monday Sept 12
12	Monday Sept 5	Monday Sept 12	Monday Sept 19

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION. Such notices are published in the OFFICIAL NOTICES section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 27-38, inclusive
Issue 39, cumulative for 1-39
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

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PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, 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 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture
Agronomy Services Division

Proposed Temporary Rule Governing Fees for Agricultural Seed Registration and Testing

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above entitled temporary rule. The Commissioner of Agriculture will follow the procedures set forth in Minnesota Statutes, sections 14.29-14.36 in adopting this rule.

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.

Persons interested in this temporary rule shall have 20 days from the date the rule is published in the *State Register* to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department.

Persons who wish to submit oral or written comments should submit the comments to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107, (612) 296-1486.

Authority to adopt the rule is contained in Laws of Minnesota 1983, chapter 293, section 44, subdivision 11. The commissioner is authorized by this section to adopt temporary rules for enforcement of the Minnesota Seed Law, including the establishment and collection of fees. The proposed temporary rule sets the fees for sampling export seed, sets application and other fees for seed permit holders, states reporting requirements for seed permit holders, sets registration fees for hybrid seed corn varieties, and sets fees for laboratory service and testing of agricultural seeds.

Upon adoption of the temporary rule, the proposed rule, this notice, all written comments received, and the temporary rule as adopted will be delivered to the Attorney General for review as to form and legality. As required by the Administrative Procedures Act, this temporary rule will beeffectivefor not more than 180 days after its adoption, and may be continued in effect for up to an additional 180 days.

One free copy of this notice and the proposed temporary rule may be obtained by contacting Mr. Heil. Persons who wish to receive a copy of the temporary rule as adopted should also request it from Mr. Heil.

Jim Nichols
Commissioner of Agriculture

Temporary Rule as Proposed (All new material)

3 MCAR § 1.0172 [Temporary] Charges for testing and identifying seed.

A. Definitions. As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 18, and "initial labeler" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 12, except that it does not include persons exempted from having seed fee permits by Laws of Minnesota 1983, chapter 293, section 48, subdivision 4.

B. Sampling export seed. In accordance with Laws of Minnesota 1983, chapter 293, section 44, subdivision 13, the commissioner will, if requested, sample seed destined for export to other countries. The fee for sampling export seed is $20 per hour per inspector. In addition, the person requesting the sampling service shall pay the actual cost of mileage, meals, lodging, mailing or copying, any materials used in furnishing the service, and any other expense reasonably related to and necessary for providing the service.

C. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with the provisions of Laws of Minnesota 1983, chapter 293, section 48, subdivisions 1 and 2, and the procedures set in 1.-4.

1. Each initial labeler who wishes to label seed for sale in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, the desired effective date for the permit, and the name and title of the applicant's contact person. The application must be accompanied by an application fee of $10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

2. All seed permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of the reporting period along with a $5 filing fee. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31 of each year.

3. The holder of a seed fee permit must pay fees on all seed covered by Laws of Minnesota 1983, chapter 293, sections 39 to 51 and sold during the reporting period.

a. For agricultural seed sold in containers up to 160 pounds net weight, the fees per container are as follows:

(1) Less than 15-pound container, 5 cents each;

(2) 15- to 30-pound container, 7 cents each;

(3) 30- to 60-pound container, 8 cents each;

(4) 60- to 100-pound container, 9 cents each; and

(5) 100- to 160-pound container, 10 cents each.

b. For agricultural seed sold in bulk or in containers larger than 160 pounds net weight, the fees are as follows:

(1) Oats, field peas, 5 cents per cwt.;

(2) Wheat, barley, field beans, 6 cents per cwt.;

(3) Rye, soybeans, buckwheat, 7 cents per cwt.;

(4) Flax, vegetables grown for processing, 8 cents per cwt.;

(5) Corn, forage grasses, millets, 9 cents per cwt.;

(6) Sorghum, sunflowers, legumes, 10 cents per cwt.;

(7) All other agricultural seeds, 10 cents per cwt.; and

(8) Lawn and turf grass seeds, 1 cent per lb.

c. For vegetable and flower seeds packed for use by home gardeners in small containers or in bulk, the fees are as follows:

(1) Vegetable, each pound, 10 cents; and

(2) Flower, each pound, 15 cents.

4. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent of the fee due, whichever is greater, but no more than $100 for each late quarterly report. A $10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota Seed Law.

D. Hybrid seed corn variety registration fee. In accordance with Laws of Minnesota 1983, chapter 293, section 49, subdivision 2, the annual fee for the registration of each hybrid seed corn variety is $27.50, and must be paid at the time of registration.

E. Service testing and identification. The fees in 1.-4. for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Laws of Minnesota 1983, chapter 293, section 44, subdivision 12.

1. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, and other similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
$ 8	$ 5	$11	$ 4	$10

2. Grasses, including bromes, fescues, orchardgrass, reed canary wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, and other similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
$12	$ 7	$17	$ 6	$12

3. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
$20	$10	$28	$10	$18

4. Mixtures: A—Full price of highest priced species plus one-half the price of each additional species. B—One-half the price of the purity test on the highest priced species in the mixture.

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
A	A	Not Applicable	B	A

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5. A fee of $12 per hour will be charged for tests which are specially requested but not included in E., or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

6. An additional fee of $2 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

7. An additional fee of $2 will be charged for each sample received during the period of March 15 through June 30.

8. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent monthly service charge assessed against the unpaid balance.

Department of Commerce

Proposed Temporary Rules Governing Auto Insurance Nonrenewals

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the Department of Commerce is proposing to adopt temporary rules to govern auto insurance nonrenewals as authorized by Ch. 203, sec. 2 of the Session Laws of 1983 (Minn. Stat. § 65B.17, subd. 2). The proposed temporary rules follow this notice.

All interested parties are hereby afforded the opportunity to submit data and views on the proposed temporary rules for 20 days immediately following publication of this material in the *State Register*. Comments should be submitted in writing to:

Dale L. McDonnell
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101

The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the department.

After the 20 day comment period, the proposed temporary rules with modifications, if any, will be sent to the Office of the Attorney General for final approval as to form and legality. The temporary rules shall take effect immediately upon the Attorney General's approval.

The temporary rules shall remain in effect until permanent rules are adopted or for 180 days. The temporary rules may also be extended for an additional 180 days.

August 8, 1983

Reynaud L. Harp
Deputy Commissioner of Commerce

Temporary Rules as Proposed (all new material)

4 MCAR § 1.9081 [Temporary] Scope of Authority.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] apply to all companies writing policies of automobile insurance. They are adopted pursuant to Minnesota Statutes, section 65B.17, subdivision 2.

4 MCAR § 1.9082 [Temporary] Purpose.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] are designed to limit the reasons a policy of automobile insurance may not be renewed.

4 MCAR § 1.9083 [Temporary] Definitions.

A. Applicability. For the purposes of 4 MCAR §§ 1.9081-1.90892 [Temporary], the terms defined in this rule have the meanings given them.

B. Chargeable accident. "Chargeable accident" means an accident involvement in which the insurer nonrenewing the policy makes a payment under bodily injury, property damage, or collision coverages except under the following conditions:

1. In a collision loss, where the insurer recovers 80 percent or more of the insurers loss through subrogation.

2. The automobile was damaged through being struck while lawfully parked. An automobile rolling from a parked position would not be considered lawfully parked if the rolling caused the accident, that is, the rolling car struck another vehicle.

3. The insured or other driver of the car has been paid by the other party, or has a judgment against the other party in the accident.

4. The accident was one in which the damage was caused by the vehicle being rear-ended by another vehicle, unless the driver of the struck vehicle has been convicted of a moving traffic violation in conjunction with the accident.

5. The driver of the other vehicle in the accident has been convicted of a moving violation in conjunction with the accident, and the insured driver has not been convicted of a moving violation in conjunction with the accident.

6. The insured automobile was damaged by contact with a "hit-and-run" vehicle, if this is so reported to the police, highway patrol, or sheriff within 24 hours after discovery.

7. Any accident for which payment is made under the comprehensive portion of the physical damage coverage of a policy.

C. Commercial vehicle. "Commercial vehicle" is as defined in Minnesota Statutes, section 65B.43, subdivision 12.

D. Emergency vehicle. "Emergency vehicle" means an automobile used in response to an emergency if the operator is responding to a call of duty as a paid or volunteer member of any police or fire department, first aid squad, or any law enforcement agency.

E. Experience period. "Experience period" means three years from the date of an accident to the renewal date of the policy and in the case of a moving traffic violation, three years from the date of occurrence to the renewal date of the policy.

F. Hit and run vehicle. "Hit and run vehicle" means a vehicle that leaves the scene of an accident in violation of Minnesota Statutes, section 169.09, subdivisions 1, 2, 4, and 5, or the comparable provisions of the laws of another jurisdiction where the accident occurred.

G. Multi-line contract. "Multi-line contract" means an insurance contract which insures more than one line of insurance under one contract, such as homeowners and automobile coverages within one contract.

H. Nonrenewal. "Nonrenewal" includes any nonrenewal notice sent to a named insured informing the named insured that the insurer is terminating or intends to terminate a policy as of a certain date. In order to be valid, the notice must comply with all other applicable laws and rules, including Minnesota Statutes, section 65B.17, and 4 MCAR § 1.9087 [Temporary].

Nonrenewal also includes:

1. any reduction in the limits of liability of coverage, except a termination or modification of towing coverage;

2. an increase of a physical damage deductible unless all the existing policies and those policies to be accepted as new business will have the same higher deductibles applied; and

3. the transfer of a named insured from one rating plan to another within the same company, or the transfer of a named insured from one company to another within a group of insurance companies, if the transfer results in a higher premium. This does not apply to a surcharge on an existing policy.

I. Points. "Points" means the grading system by which each chargeable accident and violation is assigned a certain number of points to determine if a policy is subject to nonrenewal.

J. Policy. "Policy" means a policy or a policy of automobile insurance as defined in Minnesota Statutes, section 65.14, subdivision 2.

K. Private passenger vehicle. "Private passenger vehicle" is as defined in Minnesota Statutes, section 65B.001, subdivision 3.

L. Violations. "Violations" means all moving traffic violations that are recorded by the Department of Public Safety on an operator's motor vehicle record, and violations reported by a similar authority in another state, or reported by the insured, except for equipment violations.

4 MCAR § 1.9084 [Temporary] Reasons for nonrenewal.

The grounds for nonrenewal of a policy are limited to one or more of the following reasons:

A. the reasons stated in Minnesota Statutes, section 65B.15, subdivision 1;

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B. an insured equals or exceeds the relevant number of points specified in 4 MCAR § 1.9086 [Temporary];

C. termination of the agency contract, provided that if a named insured is 65 years of age or older, the insurer must reinstate the policy at the written request of the named insured;

D. an insurer ceases to write auto insurance in Minnesota. An insurer writing both commercial vehicle insurance and private passenger auto insurance can cease to write either line and continue to offer coverage in the other line;

E. three or more comprehensive claim payments have been made during the experience period, a deductible of no more than $100 may be applied to the comprehensive coverage of a policy not having a deductible, or either an increase to the next highest deductible level offered by a company or up to $100 may be added to an already existing deductible.

4 MCAR § 1.9085 [Temporary] Schedule of points for a violation or chargeable accident.

The following schedule shows the points assigned to each violation and chargeable accident during the experience period.

A. Four points will be assigned for each of the following:

1. leaving the scene of an accident without stopping to report;

2. a felony involving the use of a motor vehicle, including manslaughter, criminal negligence, or assault originating out of the use of a motor vehicle;

3. theft of, or unlawful taking of, a motor vehicle;

4. any suspension or revocation of an operators' license; and

5. unlawful driving after suspension or revocation of an operators' license.

B. Two and one-half points will be assigned for reckless driving.

C. One and one-half points will be assigned for careless driving.

D. One point will be assigned for:

1. a chargeable accident where total payment under bodily injury, property damage, and collision coverage is over $500; and

2. an open bottle violation.

E. Three-fourths of a point will be assigned for the second and each subsequent violation for speeding during the experience period per individual operator.

F. One-half point will be assigned for:

1. the first violation for speeding during the experience period per individual operator;

2. all other violations;

3. a chargeable accident where total payment under bodily injury, property damage, and collision, coverages, is $500 or less; and

4. allow open bottle violation.

4 MCAR § 1.9086 [Temporary] Points for nonrenewal.

A. Schedule. The following schedule shows the number of points that must be accumulated before a policy can be nonrenewed:

Vehicles insured	Points to nonrenew
1	2
2	3
3	3½
4 or more	4

B. Exceptions.

1. If one operator accumulates three points or more, a policy or policies may be nonrenewed regardless of the number of insured vehicles in the household. If at the time the nonrenewal was sent, a nonspouse member owns an automobile and a policy of his or her own, then that household member's driving record cannot be used for accumulation of points to determine a basis for nonrenewal of policies of other members of the household.

2. Accidents or violations occurring while operating a commercial vehicle or an emergency vehicle cannot be used to accumulate points for nonrenewing a private passenger vehicle policy, except for violations in the four-point category.

3. Accidents or violations occurring while operating a private passenger vehicle cannot be used to accumulate points for nonrenewing a commercial vehicle policy, except for violations in the four-point category.

4. If a violation and a chargeable accident arise out of the same occurrence, points are charged only to the event which carries the highest point assignment.

4 MCAR § 1.9087 [Temporary] Nonrenewal notices.

A nonrenewal notice must be on a form approved by the Department of Commerce and it must contain on the front of the notice specific reasons for the nonrenewal and the information required by Minnesota Statutes, section 65B.19 regarding the right of complaint and the availability of the Minnesota Automobile Insurance Plan. The specific reason given for the nonrenewal must include the following information:

1. In the case of violations:
   a. the name of the driver;
   b. the type of violation;
   c. the date of the violation; and
   d. the point value of each violation.
2. In the case of accidents:
   a. the name of the driver;
   b. whether the payment is in excess of or under $500;
   c. the date of the accident; and
   d. the point value of each accident.

The printing of these items on the back of the notice or on a separate sheet will not comply with this rule.

4 MCAR § 1.9088 [Temporary] Record keeping.

Each insurance company shall keep a register of all cancellations, as defined in Minnesota Statutes, section 65B.15, and nonrenewals, as defined in Minnesota Statutes, section 65B.17 and 4 MCAR § 1.9083 H. [Temporary]. This register must be available to the commissioner of commerce, or his designee, at any time.

4 MCAR § 1.9089 [Temporary] Automatic coverage on newly acquired and replacement vehicles.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] also apply to newly acquired vehicles and replacement vehicles which qualify for the automatic coverage provisions of a policy.

4 MCAR § 1.90891 [Temporary] Nonrenewal of multi-line contracts.

Nothing in 4 MCAR §§ 1.9081-1.90892 [Temporary] prohibits an insurance company from nonrenewing a multi-line insurance contract. However, if these rules prevent nonrenewal of the automobile insurance portion of the contract, then the insurance company shall issue to the named insured a policy of automobile insurance providing coverage as included in the multi-line contract.

4 MCAR § 1.90892 [Temporary] Penalties.

A. Generally. Failure to comply with 4 MCAR §§ 1.9081-1.90892 subjects the insurers to the following penalties during each calendar year period:

1. first violation, $100;
2. second violation, $300; and
3. third and subsequent violation, $500.

Monetary penalties may be waived upon a showing that the nonrenewal notice was based on a good faith judgment supported by evidence that was in the possession of the insurer at the time of the sending of the nonrenewal notice.

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B. Disapproval by commissioner. Any nonrenewal of a policy in violation of 4 MCAR §§ 1.9081-1.90892 [Temporary] will be disapproved by the commissioner of commerce pursuant to Minnesota Statutes, section 65B.21.

C. Additional penalties. Nothing contained in this rule prohibits the commissioner of commerce from applying additional penalties or remedies as may be imposed under Minnesota Statutes, chapter 72A.

D. Application and effective date. Monetary penalties become effective for any nonrenewal in violation of 4 MCAR §§ 1.9081-1.90892 [Temporary] sent on or after January 1, 1984.

Department of Labor and Industry Workers' Compensation Rehabilitation Services

Proposed Rules Governing Qualified Rehabilitation Consultants and Rehabilitation Vendors

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minnesota Statutes, section 14.14, subdivision 1, in the Auditorium at St. Paul Technical Vocational Institute, 235 Marshall Avenue, St. Paul, Minnesota on September 23, 1983, commencing at 8:30 A.M. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner of Labor and Industry has been provided the statutory authority to promulgate rules governing qualified rehabilitation consultant qualifications, standards for performance, services and fees, and revocation procedures for qualified rehabilitation consultants/rehabilitation vendors. The promulgation of these rules is authorized by Minnesota Statutes §§ 176.102, subds. 2, 10; and § 176.83, which require the agency to promulgate rules relating to qualified rehabilitation consultants and rehabilitation vendors any other rules necessary to implement Minn. Stat. § 176.102.

A copy of the rules is attached. One free copy of this notice and the proposed rules may be obtained by contacting:

Gladys Westberg, Director
Rehabilitation Services
Workers' Compensation Division
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 297-2684

Additional copies will also be available at the door on the date of the hearing.

Notice is also hereby given that twenty-five (25) days prior to the hearing a statement of need and reasonableness will be available for review at the address given above of the Department of Labor and Industry and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule(s). Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The proposed rules are subject to change as a result of the rule hearing process. The Department of Labor and Industry strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

All interested or affected persons will have an opportunity to participate concerning the adoption of proposed rules. Statements may be made orally and written material may be submitted at the hearing. The Department of Labor and Industry hereby requests those submitting written statements to provide a copy of said materials to the department address given previously, if possible. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Peter Erickson, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7606, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the hearing examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become a part of the record for this proceeding. The rule hearing procedure is governed by Minnesota Statutes § 14.14 as well as by 9 MCAR §§ 2.101 to 2.112 (Minnesota Code of Agency Rules). If you have any questions about this procedure, call or write the hearing examiner.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Department of Labor and Industry may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Labor and Industry. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report) or department (in the case of the department's submission or resubmission to the Attorney General). It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rules for the two years immediately following its adoption within the meaning of Minnesota Statutes § 14.14.

Please be advised that Minnesota Statutes, chapter 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 Minnesota Statutes section 10A.01, subdivision 11 as any individual:

1. 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

2. 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 the public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Dated this 4th day of August 1983

Steve Keefe
Commissioner

Rules as Proposed

RS 1. Definitions. For the purposes of RS 1.~~-17.~~ 19., the following terms have the meanings given them.

A.-K. [Unchanged.]

L. "Rehabilitation services" means the division of rehabilitation services of the Department of Labor and Industry.

L. [Reletter as M.]

N. "Rehabilitation provider" means the following four categories of rehabilitation professions: qualified rehabilitation consultants; qualified rehabilitation consultant interns; qualified rehabilitation consultant firms; and registered rehabilitation vendors.

RS 14. Qualifying eligibility criteria for rehabilitation consultant.

The ~~following~~ eligibility criteria and procedures in A.-D. shall be used by the commissioner in determining who is qualified for registration as a qualified rehabilitation consultant.

~~a.~~ A. Educational background. A qualified rehabilitation consultant/affiliated/independent shall possess the following credentials as applicable:

~~i.~~ 1. Holder of a masters or doctorate degree in vocational rehabilitation or related fields of counseling and guidance, psychology, social work, or physical rehabilitation (occupational therapy, physical therapy, nursing) from an accredited institution, plus a current license as appropriate, plus one year of experience in vocational rehabilitation or physical rehabilitation. At least one year shall have been spent as a qualified rehabilitation consultant intern in rehabilitation of ~~work related injuries and diseases~~ injured workers.

~~or~~

~~ii.~~ 2. Holder of a baccalaureate degree in vocational rehabilitation or related fields of counseling and guidance, psychology, social work, or physical rehabilitation (occupational therapy, physical therapy, nursing), from an accredited institution, plus a current license as appropriate, plus two years of experience in vocational rehabilitation or physical rehabilita-

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tion. At least one year shall have been spent as a qualified rehabilitation consultant intern in rehabilitation of ~~work related injuries and diseases~~ injured workers.

~~or~~

~~iii. Diploma in nursing from an accredited institution, plus a current Minnesota R.N. license, plus three years of experience in physical rehabilitation or vocational rehabilitation. At least one year shall have been spent in rehabilitation of work-related injuries and diseases.~~

~~or~~

~~iv. Holder of any baccalaureate degree other than listed in ii above from an accredited institution, plus three years of experience in vocational rehabilitation. At least one year shall have been spent in rehabilitation of work-related injuries and diseases.~~

~~or~~

~~v. High school diploma, plus continuing education in and five years experience in vocational rehabilitation, including counseling, evaluation and direct case services. Two of the five years shall have been spent in rehabilitation of work-related injuries and diseases.~~

~~b.~~ B. Rehabilitation consultant intern~~:~~. An individual who meets the minimum educational requirements but does not meet the minimum experience requirements may be registered as a consultant intern. When the intern is registered, the intern's employer shall provide the commissioner with the name of the qualified rehabilitation consultant under whose direct supervision the intern will work. The supervisor shall be considered to be directly responsible for the rehabilitation work on any case. The supervisor shall co-sign all work being done by the intern. So that all parties are aware of the intern's status, he shall be designated as an "intern." The intern may make application for "qualified" status when the minimum requirements in RS 14 A.1. or 2. have been met.

Complaints about professional behavior or services, or failure to comply with laws, rules, policies and procedures, or decisions and orders are grounds for denial of registration as a qualified rehabilitation consultant. The intern may appeal the denial as provided in rule RS 15 B.

In cases where an intern has been supervised by a qualified rehabilitation consultant/affiliated who leaves the organization with which he has been affiliated and no other qualified rehabilitation consultant is available to supervise the intern, the intern may, with the approval of the commissioner, temporarily sign all required documents in the capacity of a qualified rehabiliation consultant. Past performance and overall experience will be taken into consideration for this approval.

~~c.~~ C. Experience criteria. The burden of proof of experience shall be on the applicant. This shall include documentation of a history of employment in a position of physical rehabilitation or vocational rehabilitation ~~of work-related injuries and diseases. One year of experience in rehabilitation of work-related injuries and diseases means one year of full-time experience, two years of 50% of time experience, three years of 33⅓% of time experience, or four years of 25% of time experience or any combination equal to 100% of one year's experience. The experience shall have been attained in not more than four consecutive years.~~ The experience requirements of A. for qualified rehabiliation consultants can be met only by full-time paid employment. School internship and volunteer activities are not acceptable as employment experience.

Supporting documents shall consist of signed statements by present and previous employers and insurers specifying the services, caseload, and amount of time spent in rehabilitation of work-related injuries and diseases.

~~d.~~ D. General criteria. All persons who are qualified rehabilitation consultants shall be exclusively self-employed or exclusively employed by a single organization that is approved for the employment of qualified rehabilitation consultants or an employer/insurer.

All persons who are qualified rehabilitation consultants shall be residents of ~~the state of~~ Minnesota. An organization authorized for the employment of qualified rehabilitation consultants may request an exception for a consultant who lives contiguous to a Minnesota catchment area if the organization and any such consultant agrees, as a condition to approval, to appear at any hearing when requested, in the same manner as if they had been subpoenaed. Failure to do so shall result in automatic revocation of the individual consultant's approval.

A qualified rehabilitation consultant operating on the effective date of this amendment with approval and registration is deemed to meet the standards of this rule. Qualified rehabilitation consultant interns operating on the effective date of this amendment with approval and registration must meet the minimum requirements of this rule in order to make application for qualified rehabilitation consultant registration.

RS 15. Procedure for qualifying as rehabilitation consultant.

~~a.~~ A. Application. An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

~~i.~~ 1. completed and signed application form (notarized); ~~and~~

~~ii.~~ 2. copy of current license or certification; ~~and~~

~~iii.~~ 3. supporting experience documentation; ~~and~~

~~iv.~~ 4. transcripts of all schools attended beyond high school; ~~and~~

~~v.~~ 5. list of pertinent continuing education by title, location, and date; ~~and~~

~~vi.~~ 6. list of services and fees. This filing shall not constitute an approval or disapproval of the services or fees; and

7. the annual registration fee, which shall consist of $100 for qualified rehabilitation consultant firms and $50 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

The commissioner shall issue a notice of acceptance or rejection to the applicant within ~~45~~ 60 days of receipt of the completed application and completion of an introductory training session.

~~b.~~ B. Appeal process. The appeal process provides a mechanism for applicants to request reconsideration of a rejected application for registration, renewal, and reinstatement.

A written notice of appeal shall be filed with the commissioner within 15 days of mailing of notice of disapproval.

The decision shall be reviewed by the review panel. The applicant shall be advised of the date, time, and place of the review at least ten ~~(10)~~ days prior to the hearing date, and is encouraged to be present.

~~c.~~ C. Registration. The commissioner shall assign a registration number to each qualified rehabilitation consultant. The registration number shall be on all reports submitted by the consultant.

To retain registration, the consultant must submit satisfactory evidence of approved continuing education pertinent to the workers' compensation rehabilitation field equivalent to 15 contact hours each year at the time registration is renewed.

~~d.~~ D. Renewal. Registration shall be renewed ~~every two years~~ annually.

If an interval of one year occurs without providing direct case service or without providing supervision to qualified rehabilitation consultants or qualified rehabilitation consultant interns who provide direct case service to workers' compensation recipients, the registration and approval is automatically revoked and reinstatement will be required in accordance with the minimum requirements in effect on the date of application for reinstatement.

Services and fee schedules shall be submitted to the commissioner whenever there is a change or no less than once each calendar year. This filing shall not constitute an approval or disapproval of the services or fees.

No later than 60 days prior to expiration of registration, the consultant shall request registration renewal on a form prescribed by the commissioner.

~~e.~~ E. Revocation ~~Qualified rehabilitation consultant approval and registration may be revoked by the commissioner for failure to comply with the rules or policies or for good cause. Notice of and reason for revocation shall be mailed to the consultant by the commissioner.~~

~~The consultant may appeal the revocation as provided in section 15, b.~~

~~A consultant whose registration has been revoked shall wait at least 180 days from the date of mailing of revocation to re-apply for approval.~~

The commissioner may review the activities of registered qualified rehabilitation consultants and vendors to determine if they are in compliance with all rehabilitation services' rules.

1. When the commissioner becomes aware of an apparent violation concerning a qualified rehabilitation consultant or vendor he shall write the qualified rehabilitation consultant or vendor. The qualified rehabilitation consultant or vendor may

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then respond by letter or by requesting an administrative conference. If the qualified rehabilitation consultant or vendor does not request an administrative conference, the commissioner may order that a conference occur. After the administrative conference, the commissioner shall determine if he should discipline the individual or firm based upon applicable rules and statutes and all evidence gathered by the conference. Regardless of the commissioner's decision, he shall issue an order setting forth the reasons for his actions. If discipline is decided on by the commissioner, it may consist of one or more of the following:

a. a written reprimand requesting the individual or firm to cease actions which resulted in the lack of compliance with rehabilitation services' rules;

b. a full restitution of improperly charged fees and services by the individual or firm to the insurance carrier;

c. an extension of intern status for up to six months beyond RS 14 requirements for application;

d. a restriction on accepting new cases for up to six months.

If the commissioner imposes discipline twice upon an individual or firm, the next apparent violation shall be referred to the rehabilitation review panel for review and any appropriate further discipline.

2. An individual or firm may appeal the commissioner's disciplinary action to the rehabilitation review panel by requesting a hearing in writing to the director of rehabilitation services within 30 calendar days of the commissioner's determination.

3. Upon the commissioner's referral of a third apparent violation, the firm or individual shall be given written notice of the referral and grounds for the review.

4. The rehabilitation review panel shall follow the hearing procedures set forth in Minnesota Statutes, section 176.102, subdivision 3a. The panel may take one or more of the following actions:

a. Absolving the individual or firm of any rehabilitation rule apparent violation and dismissal of the complaint;

b. Written reprimand;

c. Demotion of a qualified rehabilitation consultant to qualified rehabilitation consultant intern status;

d. Probation of a qualified rehabilitation consultant, qualified rehabilitation consultant intern, or vendor during which time another disciplinary action review by the panel would result in revocation;

e. Revocation of qualified rehabilitation consultant, qualified rehabilitation consultant intern, or registered vendor status.

5. Procedures to appeal the determination of the review panel shall be as follows:

a. The panel's written decision and order shall act as a final order for purposes of implementing discipline. The decision is appealable to the Workers' Compensation Court of Appeals and must be filed in accordance with its rules; and

b. Unless otherwise ordered by the panel, an individual or firm whose registration has been revoked must wait at least one year from the effective date of revocation to reapply for a registered status.

RS 17. Procedure for approval as ~~a~~ registered rehabilitation vendor.

~~a.~~ A. Application. A private or public entity desiring to be approved as a registered rehabilitation vendor shall submit to the commissioner a complete application consisting of the following:

~~i.~~ 1. a completed and signed application; ~~and~~

~~ii.~~ 2. any data or information attached to support an application; ~~and~~

~~iii.~~ 3. a list of services and fees. This filing shall not constitute an approval or disapproval of the services or fees; and

4. the annual registration fee of $100 for each registered vendor.

~~b.~~ B. Appeal process. The appeal process herein shall be conducted the same as that provided in ~~section 15, b~~ RS 15 B.

~~c.~~ C. Renewal. The renewal process herein shall be conducted the same as that provided in ~~section 15, d~~ RS 15 D.

~~d.~~ D. Revocation. The revocation process herein shall be conducted the same as that provided in ~~section 15, e~~ RS 15 E.

Rules as Proposed (all new material)

RS 18. Standards of performance.

A. Goals. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, and vendor should strive to meet certain policies recognized by rehabilitation services as fundamental to the rehabilitation profession. The statements in 1.-8. are objectives that rehabilitation services promotes to constantly upgrade the quality of professional rehabilitation care.

1. The welfare of the injured employee should be the primary focus of concern, communications, and activity by the qualified rehabilitation consultant or vendor.

2. The qualified rehabilitation consultant or vendor should maintain a fair and objective position in dealing with the employee, employer, and insurer.

3. The qualified rehabilitation consultant or vendor should maintain objective and effective lines of communication with all members of the rehabilitation team: the employee, employer, insurer, attorney, physician, qualified rehabilitation consultant, and vendor.

4. A qualified rehabilitation consultant or vendor should withdraw from any case in which achieving rehabilitation goals is being interfered with by the lack of rapport between the qualified rehabilitation consultant or vendor and the employee or in which there are personality conflicts between the employee and the qualified rehabilitation consultant or vendor.

5. A qualified rehabilitation consultant or vendor should keep abreast of professional advances and topics by participation in continuing education programs.

6. Rehabilitation providers should carry professional liability insurance for the protection of themselves and affected third parties.

7. A qualified rehabilitation consultant or vendor should not engage in any form of discrimination.

8. Any discussion, comments, or criticisms directed toward or about a fellow professional rehabilitation provider or organization should be positive or constructive.

B. Minimal standards. The standards of conduct described in C.-G. establish minimum standards concerning the professional activities of qualified rehabilitation consultants and rehabilitation vendors in Minnesota. The performance evaluations by rehabilitation services of qualified rehabilitation consultants and vendors will be based upon these standards, as well as on the adherence to Minnesota Statutes, section 176.102 and rules adopted to administer it.

C. Professional conduct.

1. In accord with RS 1, J., the qualified rehabilitation consultant or vendor shall provide rehabilitation services under a rehabilitation plan. The qualified rehabilitation consultant or vendor shall implement only those rehabilitation plans with which the employee, the employer/insurer, and the qualified rehabilitation consultant agree.

2. Only the assigned qualified rehabilitation consultant, or a qualified rehabilitation consultant designated by the assigned qualified rehabilitation consultant, shall be involved at any given time in the employee's rehabilitation effort, except as stated in 4. and 5. The assigned qualified rehabilitation consultant must submit the R-2 rehabilitation plan within 30 days of referral and must submit subsequent R-3 rehabilitation progress reports every 30 days to the office of rehabilitation services and the other parties.

3. A qualified rehabilitation consultant shall not provide services to any parties after there has been an approved change of qualified rehabilitation consultant except as provided in 4. and 5.

4. A qualified rehabilitation consultant shall cooperate in transferring to a newly approved qualified rehabilitation consultant all data, reports, and relevant information within 15 days from the date of letter of rehabilitation services approving the new qualified rehabilitation consultant.

5. If a hearing has been scheduled before a judge or a judicial body, a qualified rehabilitation consultant who is not the approved qualified rehabilitation consultant may perform an evaluation of the employee at the request of one of the parties. Rehabilitation services shall be notified in writing of the qualified rehabilitation consultant requested to do the evaluation. A copy of the evaluation report, if developed, shall be sent to rehabilitation services.

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6. A qualified rehabilitation consultant who has testified as an expert witness for any party in a judicial hearing may not function as the ongoing qualified rehabilitation consultant on the case unless agreed to by the parties.

7. A qualified rehabilitation consultant or vendor may make recommendations for referrals to appropriate resources.

8. The roles and functions of a claims agent and a qualified rehabilitation consultant or vendor are separate. A qualified rehabilitation consultant or vendor, or an agent of a rehabilitation provider, shall engage only in those activities designated in Minnesota Statutes, section 176.102, its rules and policies and procedures. Claims adjustment and claims investigation are prohibited activities for a rehabilitation provider.

D. Communications.

1. All reports submitted by a qualified rehabilitation consultant or vendor shall be legible and show the employee's name, social security number, date of injury, street address, county, zip code of residence, and legal representative, if any.

2. All reports shall be submitted in accordance with rehabilitation services' policy, procedure, and forms as prescribed by the commissioner.

3. The employer shall be provided with copies of all reporting forms.

4. Vendors are to submit all reports directly to the qualified rehabilitation consultant.

5. A qualified rehabilitation consultant or vendor must comply with all applicable data privacy acts.

6. A qualified rehabilitation consultant or vendor shall not engage in communications with a physician concerning an employee without a release of information form from the employee.

7. A qualified rehabilitation consultant or vendor shall not make recommendations concerning an intent to or date of retirement but may assist an employee in contacting resources concerning a choice of retirement or return to work.

8. A qualified rehabilitation consultant or vendor shall not recommend entering into settlement agreements.

9. A qualified rehabilitation consultant or vendor shall request only that information and data which will assist the parties in developing and carrying out the rehabilitation plan. They are prohibited from making investigations for claims processing purposes.

10. A qualified rehabilitation consultant or vendor shall provide all reports written by all parties regarding a case to rehabilitation services.

11. A qualified rehabilitation consultant shall provide a vendor access to all appropriate medical and rehabilitation reports relating to a case.

E. Responsibilities.

1. A qualified rehabilitation consultant is to instruct the employee in his rights and responsibilities by providing and reviewing with him the R-12 The Purpose of Rehabilitation Services and The Rights and Responsibilities of the Injured Worker form together with The Rehabilitation Feedback form during the initial interview.

2. A qualified rehabilitation consultant or vendor shall be knowledgeable and informed regarding portions of the workers' compensation law, rules, policies, and procedures that directly relate to the provision of rehabilitation services. If a qualified rehabilitation consultant or vendor communicates inaccurate information regarding workers' compensation not directly related to rehabilitation services, the rehabilitation provider is subject to discipline.

3. A qualified rehabilitation consultant or vendor shall contact rehabilitation services to clarify any rehabilitation issues or problems.

4. A qualified rehabilitation consultant or vendor's registration is subject to disciplinary action up to and including revocation based on substantiated complaints about professional behavior, services, or for failure to comply with established laws, rules, policies and procedures, decisions, or orders.

F. Continuing education and competencies.

1. A qualified rehabilitation consultant or vendor shall attend at least one introductory training session within six months of being registered provided by rehabilitation services.

2. Rehabilitation services annual update sessions are mandatory for all qualified rehabilitation consultants, qualified rehabilitation consultant interns, and all registered vendors.

G. Business practices. All registered qualified rehabilitation consultants, qualified rehabilitation consultant interns, and vendors shall abide by the following rules concerning a provider's business practices.

1. Rehabilitation providers shall adhere to all applicable federal, state, and local laws regulating business practices.

2. Rehabilitation providers shall not misrepresent themselves, their duties, or credentials. A rehabilitation provider must not promise or offer services or results he cannot deliver or has reason to believe he cannot provide. Competitive advertising must be factually accurate and must avoid exaggerating claims as to costs, results, and endorsements by other parties. When recruiting employees, rehabilitation providers must not falsely promise benefits, employment advancement, or salaries which they know or have reason to know they cannot provide.

3. If a fellow rehabilitation provider violates RS 1.-19., a qualified rehabilitation consultant or vendor having information about the violation must direct the information to rehabilitation services.

4. A provider shall not solicit referrals directly or indirectly by offering money or gifts. De minimis gifts are not considered the offering of money or gifts. De minimis gifts are those that have a fair market value of less than $25.

5. A rehabilitation provider shall advise the referral source and payer of its fee structure in advance of rendering any services and shall also furnish upon request, detailed and accurate time records regarding any bills in question.

6. Any fee arrangement which prevents individual assessment and services for each employee shall subject the providers to discipline. Any fee arrangement which provides employees with standardized services whether or not the services are necessary shall also subject the parties to discipline.

7. A rehabilitation provider shall not incur profit, split fees, or have an ownership interest with another rehabilitation provider outside of his or her own firm.

8. Qualified rehabilitation consultants shall not incur profit through an ownership interest with health care providers or split fees through referrals with health care providers. "Health care providers" means those defined in Minnesota Statutes, section 176.011, subdivision 24.

9. The prohibitions of 6., 7., and 8. shall not be construed to prevent married couples or family members from engaging simultaneously in rehabilitation or health care.

RS 19. Rehabilitation services and fees.

A. Fee monitoring.

1. Rehabilitation services has the responsibility and jurisdiction under Minnesota Statutes, section 176.102, subdivisions 2 and 9 to monitor and determine reasonable rehabilitation costs, the necessity of services provided, and to resolve any disputes that may arise between the parties according to rule RS 13.

2. The employer/insurer has the primary responsibility for monitoring and paying the cost of necessary rehabilitation services provided. Either the employer/insurer or a rehabilitation provider may request rehabilitation services to make a determination of reasonable costs and necessity of services.

3. Rehabilitation services shall conduct periodic audits of costs and services. The employer/insurer and the rehabilitation provider shall provide rehabilitation services with itemized services and costs upon request. Rehabilitation services must contact the parties to discuss costs and services deemed questionable by rehabilitation services or one of the parties. Rehabilitation services may order an administrative conference to discuss services and fee disputes, whether initiated by one of the parties or by rehabilitation services.

B. Reasonable and necessary services. A qualified rehabilitation consultant or vendor shall bill for only those necessary and reasonable services which are rendered in accordance with rehabilitation services rules and policies and procedures during completion of a plan. Reasonable and necessary services and fees shall be determined by the commissioner. The commissioner's review must include all the following factors, but may include other factors if enumerated in his eventual determination. These factors are:

1. The employee's unique disabilities and assets in relation to the goals, objectives, and timetable of the rehabilitation plan;

2. The type of rehabilitation services provided and the actual amount of time and expense incurred in providing the service;

3. The rehabilitation providers' fee schedules on file with rehabilitation services and other fee schedules of providers on file with rehabilitation services;

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4. An evaluation of whether services provided were unnecessary, duplicated other services, available at no charge to public, or were excessively sophisticated for the actual needs of the employee;

5. An evaluation of whether services rendered were expressly authorized by either the employer, insurer, or rehabilitation services;

6. An evaluation of whether Minnesota Statutes, chapter 176, and rehabilitation services' rules RS 1.-19. have been followed by the provider.

No registered qualified rehabilitation consultant, qualified rehabilitation consultant intern, or registered vendor shall attempt to collect reimbursement for an unnecessary or unreasonable procedure, service, or cost from any other source, including the employee, another insurer, the special compensation fund, or any government program.

C. Reporting requirements. All qualified rehabilitation consultants must provide rehabilitation services with certain information regarding an employee's case for purposes of rehabilitation services' monitoring of services and overall record keeping requirements.

1. The qualified rehabilitation consultant shall provide rehabilitation services with an initial evaluation narrative report concerning the employee which will include the following information in summary fashion:

a. medical status;

b. vocational history;

c. educational history;

d. social/economic status;

e. transferable skills;

f. employment barriers; and

g. recommendations;

2. The qualified rehabilitation consultant shall provide narrative progress reports, if needed, of up to one page;

3. The qualified rehabilitation consultant shall send attached to progress reports required by 2. completed copies of all vendor reports, medical, psychological, and vocational reports regarding an employee's case.

4. The qualified rehabilitation consultant shall also forward to rehabilitation services copies of completed reports prepared for other parties by him or her.

The requesting party shall pay for all costs incurred by a rehabilitation provider in creating a report not required by rehabilitation services.

D. Estimated goal dates and costs. When developing the rehabilitation plan and progress reports, the qualified rehabilitation consultant must make a professional judgment regarding any projected goal date and estimated costs. This shall include projected goal date and estimated costs submitted by any vendor. When the date or cost has been exceeded, the qualified rehabilitation consultant and any rehabilitation vendor must submit to rehabilitation services an itemized billing and no more than a one page rationale regarding continued provision of rehabilitation services. The rehabilitation provider is to submit the rationale to the employer/insurer. If the parties are unable to agree, any party may request a review by rehabilitation services.

E. Invoices are to be attached to all plan completion forms.

F. Consent of employer/insurer; exceptions. A qualified rehabilitation consultant or vendor shall obtain the express consent of the employer/insurer before providing the following services, however, the presence or the absence of express consent shall not preclude rehabilitation services from determining the reasonable value or necessity of these services:

1. costs for physician visits, phone calls to physicians, accompanying employee to appointments or examinations not directed to plan objectives;

2. follow-up activity with employers during job placement services to verify employee applications not arranged by qualified rehabilitation consultant or vendor;

3. phone calls to rehabilitation services regarding general procedures on questions or rehabilitation direction;

4. unanswered attempted phone calls;

5. time spent for report writing beyond items indicated in the reporting guidelines of C.;

6. qualified rehabilitation consultant billings during vendor activity periods beyond required reporting or specific problem solving activity;

7. time for attendance of a supervisor or observer at administrative conferences when the qualified rehabilitation consultant is providing services to the employee;

8. any services rendered prior to the acceptance of eligibility for rehabilitation by an insurer or determination or eligibility by rehabilitation services;

9. time spent reviewing the file and initial contact to establish rapport with interested parties by a qualified rehabilitation consultant or vendor when a case has been transferred from another qualified rehabilitation consultant or vendor within the same rehabilitation firm;

10. time spent by a supervisor, another qualified rehabilitation consultant, or support staff in addition to the qualified rehabilitation consultant of record;

11. job placement activities beyond 90 days from the start of the job placement effort without a plan review;

12. wait time for cold call or early arrival for a prearranged appointment;

13. time spent by a qualified rehabilitation consultant selected by the employee before approval of a qualified rehabilitation consultant change has been issued by rehabilitation services;

14. services that are not needed or repeat services already done.

15. charges beyond the hourly fee for testimony at a judicial hearing when the qualified rehabilitation consultant or vendor has provided rehabilitation service under the plan;

16. travel costs beyond those needed to develop or complete a plan; or

17. any disputed services and fees in regard to rehabilitation provided.

Department of Public Welfare

Proposed Amendments to Existing Rules of the Minnesota Merit System Governing the Compensation Plan

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, on September 26, 1983, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed amendments of existing rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George A. Beck, Office of Administrative Hearings, 4th floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

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.

A summary of proposed revisions to the rules is as follows:

A proposed revision to 12 MCAR § 2.494 provides a recommended general salary adjustment of 4% for merit system employees effective January 1, 1984.

Proposed revisions to 12 MCAR § 2.840 provide for an upgrading of minimum and maximum salary rates for all classes by 4% with a few exceptions, provide class titles and minimum and maximum salary rates for new classes established and the deletion of classes that have been abolished.

The agency's authority to adopt the proposed rules is contained in Minn. Stat. § 256.012.

The cost to local public bodies of implementing the proposed rule changes will not exceed $100,000 for 1984.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-3996. Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments, contact Ralph Corey.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Minn. Stat. ch. 10A. requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, 1979 supp., 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, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) Who spends more than $250, 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, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

August 3, 1983

Leonard W. Levine
Commissioner of Public Welfare

Rules as Proposed

12 MCAR § 2.494 Compensation plan.

A.-E. [Unchanged]

F. Salary adjustments and increases.

1.-2. [Unchanged.]

3. Recommended adjustment. The merit system general adjustment recommended for incumbents is ~~seven and eight-tenths~~ four percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

4.-5. [Unchanged.]

G.-I. [Unchanged.]

12 MCAR § 2.840 Compensation plan; Public Welfare—~~1983~~ 1984.

A. Professional.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Accountant	1665	2373
Accounting Supervisor	1901	2838
Administrative Assistant I	~~1706~~ 1774	~~2550~~ 2652

Administrative Assistant II	~~1869~~	1944	~~2786~~	2897
Administrative Assistant III	~~2184~~	2271	~~3123~~	3248
Adult Day Care Center Supervisor	~~1400~~	1456	~~2090~~	2174
Assistant Human Services Director	~~2282~~	2373	~~3264~~	3395
Assistant Welfare Director	~~2851~~	2965	~~4057~~	4219
Associate Methods & Procedures Analyst	~~1338~~	1392	~~1531~~	1592
Auditor	~~1670~~	1737	~~2497~~	2597
Center Coordinator	~~1531~~	1592	~~2282~~	2373
Chemical Dependency Coordinator	~~1531~~	1592	~~2282~~	2373
Collection Services Supervisor II	~~1634~~	1699	~~2441~~	2539
Community-Health Services Supervisor	~~1706~~	1774	~~2550~~	2775
Community-Relations Specialist	~~1746~~	1816	~~2497~~	2597
Computer Programmer	~~1338~~	1392	~~1746~~	1816
Day Care Center Teacher	1331		1993	
Developmental Achievement Center Director	~~1400~~	1456	~~2090~~	2174
Developmental Achievement Center Teacher	~~1280~~	1331	~~1916~~	1993
Developmental Disabilities Coordinator	~~1400~~	1456	~~2090~~	2174
Dietitian	~~1338~~	1392	~~1916~~	1993
Director Of Business Management I	~~2042~~	2124	~~2786~~	2897
Director Of Business Management II	~~2497~~	2597	~~3556~~	3698
Director of Financial Assistance	~~2282~~	2373	~~3264~~	3395
Director of Planning	~~2282~~	2373	~~3264~~	3395
Director of Public Health Nursing I	~~1670~~	1737	~~2386~~	2597
Director of Social Services	~~2282~~	2373	~~3264~~	3395
Director of Support Services	~~2282~~	2373	~~3264~~	3395
Education Supervisor	~~1601~~	1665	~~2282~~	2373
Employment Guidance Counselor I	~~1280~~	1331	~~1828~~	1901
Employment Guidance Counselor II	~~1338~~	1392	~~1916~~	1993
Employment Guidance Counselor III	~~1400~~	1456	~~1999~~	2079
Family ~~Services~~ Service Coordinator II	~~1464~~	1523	~~1999~~	2079
Financial Assistance Supervisor II	~~1706~~	1774	~~2550~~	2652
Financial Assistance Supervisor IV	~~1869~~	1944	~~2786~~	2897
Fiscal Manager	~~2282~~	2373	~~3264~~	3395
Fiscal Supervisor III	~~1601~~	1665	~~2282~~	2373
Fiscal Supervisor IV	~~1828~~	1901	~~2729~~	2838
~~Home Care Coordinator~~	~~1464~~		~~1999~~	
Homemaker Supervisor	~~1601~~	1665	~~2282~~	2373
Human Services Director III	~~2610~~	2714	~~3712~~	3860
Human Services Supervisor I	~~1706~~	1774	~~2550~~	2652
Marriage Counselor	~~1670~~	1737	~~2386~~	2481
Medical-Care Advisor	~~1400~~	1456	~~1999~~	2079
Mental Health Program Manager	1944		2897	
Mental Health Worker	~~1531~~	1592	~~2282~~	2373
Methods & Procedures Analyst	~~1565~~	1628	~~2229~~	2318
Methods & Procedures Supervisor	~~1828~~	1901	~~2610~~	2714
Nutrition Project Assistant Director	~~1280~~	1331	~~1916~~	1993
Nutrition Project Director	~~1706~~	1774	~~2550~~	2652
~~Occupational Supervisor Instructor I~~	~~1225~~		~~1828~~	
~~Occupational Supervisor Instructor II~~	~~1400~~		~~2090~~	
Office Manager	~~1280~~	1331	~~1828~~	1901
Office Services Supervisor II	1331		1901	

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Personnel Officer	~~1280~~ 1331	~~1916~~ 1993
Personnel Director	~~1785~~ 1856	~~2668~~ 2775
Planner (Human Services)	~~1601~~ 1665	~~2282~~ 2373
Programmer Analyst	~~1601~~ 1665	~~2184~~ 2271
Psychologist I	~~1531~~ 1592	~~2184~~ 2271
Psychologist II	~~1828~~ 1901	~~2610~~ 2714
Psychologist III	~~2137~~ 2222	~~2919~~ 3036
Psychologist IV	~~2332~~ 2425	~~3192~~ 3220
Public Health Educator I	~~1338~~ 1392	~~1828~~ 1901
Public Health Educator II	~~1670~~ 1737	~~2282~~ 2373
Public Health Nurse	~~1400~~ 1456	~~1828~~ 1993
Public Health Nurse (Team Leader)	~~1464~~ 1523	~~1916~~ 2079
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1338~~ 1392	~~1601~~ 1816
Resident Activity Coordinator	1331	1993
Sanitarian I	~~1338~~ 1392	~~1601~~ 1665
Sanitarian II	~~1464~~ 1523	~~1999~~ 2079
Senior Public Health Nurse	~~1531~~ 1592	~~1999~~ 2174
Social Worker I	~~1280~~ 1331	~~1916~~ 1993
Social Worker II	~~1400~~ 1456	~~2090~~ 2174
Social Worker III	~~1531~~ 1592	~~2282~~ 2373
~~Social Worker Trainee~~	~~1169~~	~~1169~~
Social Services Supervisor I	~~1706~~ 1774	~~2550~~ 2652
Social Services Supervisor II	~~1869~~ 1944	~~2786~~ 2897
Social Welfare Supervisor III	~~2184~~ 2271	~~3123~~ 3248
~~Social Welfare Supervisor Trainee~~	~~1634~~	~~2042~~
Staff Training Supervisor I	~~1746~~ 1816	~~2497~~ 2597
Staff Training Supervisor II	~~1916~~ 1993	~~2729~~ 2838
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Student Social Worker (SWEP)	Rate proposed by appointing authority.	
Systems Programmer Analyst	~~1828~~ 1901	~~2497~~ 2597
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.	
Volunteer Services Coordinator I	~~1280~~ 1331	~~1916~~ 1993
Volunteer Services Coordinator II	~~1601~~ 1665	~~2282~~ 2373
Welfare Director I	~~1955~~ 2079	~~2919~~ 3105
Welfare Director II	~~2137~~ 2271	~~3192~~ 3395
Welfare Director III	~~2386~~ 2539	~~3408~~ 3619
Welfare Director IV	~~2610~~ 2775	~~3712~~ 3945
Welfare Director V	~~3556~~ 3698	~~5169~~ 5376
Work-Experience & Training Specialist	~~1601~~ 1665	~~2282~~ 2373

2. Plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Accountant	1665	2373
Accounting Supervisor	1901	2838
Administrative Assistant I	~~1785~~ 1856	~~2668~~ 2775
Administrative Assistant II	~~1955~~ 2033	~~2919~~ 3036
Administrative Assistant III	~~2282~~ 2373	~~3264~~ 3395
Adult Day Care Center Supervisor	~~1464~~ 1523	~~2184~~ 2271
Assistant Human Services Director	~~2282~~ 2373	~~3264~~ 3395
Assistant Welfare Director	~~2851~~ 2965	~~4057~~ 4219
Associate Methods & Procedures Analyst	~~1400~~ 1456	~~1601~~ 1665
Auditor	~~1746~~ 1816	~~2610~~ 2714
Center Coordinator	~~1601~~ 1665	~~2386~~ 2481

Chemical Dependency Coordinator	~~1601~~	1665	~~2386~~	2481
Collections Services Supervisor II	~~1706~~	1774	~~2550~~	2652
Community-Health Services Supervisor	~~1785~~	1856	~~2668~~	2897
Community-Relations Specialist	~~1828~~	1901	~~2610~~	2714
Computer Programmer	~~1400~~	1456	~~1828~~	1901
Day Care Center Teacher	1392		2079	
Developmental Achievement Center Director	~~1464~~	1523	~~2184~~	2271
Developmental Achievement Center Teacher	~~1338~~	1392	~~1999~~	2079
Developmental Disabilities Coordinator	~~1464~~	1523	~~2184~~	2271
Dietitian	~~1400~~	1456	~~1999~~	2079
Director of Business Management I	~~2042~~	2124	~~2786~~	2897
Director of Business Management II	~~2497~~	2597	~~3556~~	3698
Director of Financial Assistance	~~2386~~	2481	~~3408~~	3544
Director of Planning	~~2386~~	2481	~~3408~~	3544
Director of Public Health Nursing I	~~1746~~	1816	~~2497~~	2714
Director of Social Services	~~2386~~	2481	~~3408~~	3544
Director of Support Services	~~2386~~	2481	~~3408~~	3544
Education Supervisor	~~1670~~	1737	~~2386~~	2481
Employment Guidance Counselor I	~~1338~~	1392	~~1916~~	1993
Employment Guidance Counselor II	~~1400~~	1456	~~1999~~	2079
Empoyment Guidance Counselor III	~~1464~~	1523	~~2090~~	2174
Family Service Coordinator II	~~1531~~	1592	~~2090~~	2174
Financial Assistance Supervisor III	~~1785~~	1856	~~2668~~	2775
Financial Assistance Supervisor IV	~~1955~~	2033	~~2919~~	3036
Fiscal Manager	~~2282~~	2373	~~3264~~	3395
Fiscal Supervisor III	~~1601~~	1665	~~2282~~	2373
Fiscal Supervisor IV	~~1828~~	1901	~~2729~~	2838
~~Home Care Coordinator~~	~~1531~~		~~2090~~	
Homemaker Supervisor	~~1670~~	1737	~~2386~~	2481
Human Services Director III	~~2610~~	2714	~~3712~~	3860
Human Services Supervisor I	~~1785~~	1856	~~2668~~	2775
Marriage Counselor	~~1746~~	1816	~~2497~~	2597
Medical-Care Advisor	~~1464~~	1523	~~2090~~	2174
Mental Health Program Manager	2033		3036	
Mental Health Worker	~~1601~~	1665	~~2386~~	2481
Methods & Procedures Analyst	~~1634~~	1699	~~2332~~	2425
Methods & Procedures Supervisor	~~1916~~	1993	~~2729~~	2838
Nutrition Project Assistant Director	~~1338~~	1392	~~1999~~	2079
Nutrition Project Director	~~1785~~	1856	~~2668~~	2775
~~Occupational Supervisor Instructor I~~	~~1280~~		~~1916~~	
~~Occupational Supervisor Instructor II~~	~~1464~~		~~2184~~	
Office Manager	~~1338~~	1392	~~1916~~	1993
Office Services Supervisor II	1392		1993	
Personnel Officer	~~1338~~	1392	~~1999~~	2079
Personnel Director	~~1869~~	1944	~~2786~~	2897
Planner (Human Services)	~~1670~~	1737	~~2386~~	2481
Programmer Analyst	~~1670~~	1737	~~2282~~	2373
Psychologist I	~~1601~~	1665	~~2282~~	2373
Psychologist II	~~1916~~	1993	~~2729~~	2838
Psychologist III	~~2229~~	2318	~~3052~~	3174

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Psychologist IV	~~2441~~ 2539	~~3332~~ 3465
Public Health Educator I	~~1400~~ 1456	~~1916~~ 1993
Public Health Educator II	~~1746~~ 1816	~~2386~~ 2481
Public Health Nurse	~~1464~~ 1523	~~1916~~ 2079
Public Health Nurse (Team Leader)	~~1531~~ 1592	~~1999~~ 2174
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1400~~ 1456	~~1746~~ 1901
Resident Activity Coordinator	1392	2079
Sanitarian I	~~1400~~ 1456	~~1670~~ 1737
Sanitarian II	~~1531~~ 1592	~~2090~~ 2174
Senior Public Health Nurse	~~1601~~ 1665	~~2090~~ 2271
Social Worker I	~~1338~~ 1392	~~1999~~ 2079
Social Worker II	~~1464~~ 1523	~~2184~~ 2271
Social Worker III	~~1601~~ 1665	~~2386~~ 2481
~~Social Worker Trainee~~	~~1169~~	~~1169~~
Social Services Supervisor I	~~1785~~ 1856	~~2668~~ 2775
Social Services Supervisor II	~~1955~~ 2033	~~2919~~ 3036
Social Welfare Supervisor III	~~2282~~ 2373	~~3264~~ 3395
~~Social Welfare Supervisor Trainee~~	~~1706~~	~~2137~~
Staff Training Supervisor I	~~1828~~ 1901	~~2610~~ 2714
Staff Training Supervisor II	~~1999~~ 2079	~~2851~~ 2965
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Student Social Worker (SWEP)	Rate proposed by appointing authority.	
Systems Programmer Analyst	~~1916~~ 1993	~~2610~~ 2714
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.	
Volunteer Services Coordinator I	~~1338~~ 1392	~~1999~~ 2079
Volunteer Services Coordinator II	~~1670~~ 1737	~~2386~~ 2481
Welfare Director I	~~1955~~ 2079	~~2919~~ 3105
Welfare Director II	~~2137~~ 2271	~~3192~~ 3395
Welfare Director III	~~2386~~ 2539	~~3408~~ 3619
Welfare Director IV	~~2610~~ 2775	~~3712~~ 3945
Welfare Director V	~~3556~~ 3698	~~5169~~ 5376
Work-Experience & Training Specialist	~~1670~~ 1737	~~2386~~ 2481

3. Plan C. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Accountant	1665	2373
Accounting Supervisor	1901	2838
Administrative Assistant I	~~1869~~ 1944	~~2786~~ 2897
Administrative Assistant II	~~2042~~ 2124	~~3052~~ 3174
Administrative Assistant III	~~2386~~ 2481	~~3408~~ 3544
Adult Day Care Center Supervisor	~~1531~~ 1592	~~2282~~ 2373
Assistant Human Services Director	~~2282~~ 2373	~~3264~~ 3395
Assistant Welfare Director	~~2851~~ 2965	~~4057~~ 4219
Associate Methods & Procedures Analyst	~~1464~~ 1523	~~1670~~ 1737
Auditor	~~1828~~ 1901	~~2729~~ 2838
Center Coordinator	~~1670~~ 1737	~~2497~~ 2597
Chemical Dependency Coordinator	~~1670~~ 1737	~~2497~~ 2597
Collections Services Supervisor II	~~1785~~ 1856	~~2668~~ 2775
Community-Health Services Supervisor	~~1869~~ 2033	~~2786~~ 3036
Community-Relations Specialist	~~1916~~ 1993	~~2729~~ 2838
Computer Programmer	~~1464~~ 1523	~~1916~~ 1993
Day Care Center Teacher	1456	2174

Developmental Achievement Center Director	~~1531~~	1592	~~2282~~	2373
Developmental Achievement Center Teacher	~~1400~~	1456	~~2090~~	2174
Developmental Disabilities Coordinator	~~1531~~	1592	~~2282~~	2373
Dietitian	~~1464~~	1523	~~2090~~	2174
Director of Business Management I	~~2042~~	2124	~~2786~~	2897
Director of Business Management II	~~2497~~	2597	~~3556~~	3698
Director of Financial Assistance	~~2497~~	2597	~~3556~~	3698
Director of Planning	~~2497~~	2597	~~3556~~	3698
Director of Public Health Nursing I	~~1828~~	1993	~~2610~~	2838
Director of Social Services	~~2497~~	2597	~~3556~~	3698
Director of Support Services	~~2497~~	2597	~~3556~~	3698
Education Supervisor	~~1746~~	1816	~~2497~~	2597
Employment Guidance Counselor I	~~1400~~	1456	~~1999~~	2079
Employment Guidance Counselor II	~~1464~~	1523	~~2090~~	2174
Employment Guidance Counselor III	~~1531~~	1592	~~2184~~	2271
Family Service Coordinator II	~~1601~~	1665	~~2184~~	2271
Financial Assistance Supervisor III	~~1869~~	1944	~~2786~~	2897
Financial Assistance Supervisor IV	~~2042~~	2124	~~3052~~	3174
Fiscal Manager	~~2282~~	2373	~~3264~~	3395
Fiscal Supervisor III	~~1601~~	1665	~~2282~~	2373
Fiscal Supervisor IV	~~1828~~	1901	~~2729~~	2838
~~Home Care Coordinator~~	~~1601~~		~~2184~~	
Homemaker Supervisor	~~1746~~	1816	~~2497~~	2597
Human Services Director III	~~2610~~	2714	~~3712~~	3860
Human Services Supervisor I	~~1869~~	1944	~~2786~~	2897
Marriage Counselor	~~1828~~	1901	~~2610~~	2714
Medical-Care Advisor	~~1531~~	1592	~~2184~~	2271
Mental Health Program Manager	2124		3174	
Mental Health Worker	~~1670~~	1737	~~2497~~	2597
Methods & Procedures Analyst	~~1706~~	1774	~~2441~~	2539
Methods & Procedures Supervisor	~~1999~~	2079	~~2851~~	2965
Nutrition Project Assistant Director	~~1400~~	1456	~~2090~~	2174
Nutrition Project Director	~~1869~~	1944	~~2786~~	2897
~~Occupational Supervisor Instructor I~~	~~1338~~		~~1999~~	
~~Occupational Supervisor Instructor II~~	~~1531~~		~~2282~~	
Office Manager	~~1400~~	1456	~~1999~~	2079
Office Services Supervisor II	1456		2079	
Personnel Officer	~~1400~~	1456	~~2090~~	2174
Personnel Director	~~1955~~	2033	~~2919~~	3036
Planner (Human Services)	~~1746~~	1816	~~2497~~	2597
Programmer Analyst	~~1746~~	1816	~~2386~~	2481
Psychologist I	~~1670~~	1737	~~2386~~	2481
Psychologist II	~~1999~~	2079	~~2851~~	2965
Psychologist III	~~2332~~	2425	~~3192~~	3320
Psychologist IV	~~2550~~	2652	~~3480~~	3619
Public Health Educator I	~~1464~~	1523	~~1999~~	2079
Public Health Educator II	~~1828~~	1901	~~2497~~	2597
Public Health Nurse	~~1565~~	1699	~~2042~~	2318
Public Health Nurse (Team Leader)	~~1634~~	1774	~~2137~~	2425
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1495~~	1628	~~1869~~	2124

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Resident Activity Coordinator	1456	2174
Sanitarian I	~~1464~~ 1523	~~1746~~ 1816
Sanitarian II	~~1601~~ 1665	~~2184~~ 2271
Senior Public Health Nurse	~~1706~~ 1856	~~2229~~ 2539
Social Worker I	~~1400~~ 1456	~~2090~~ 2174
Social Worker II	~~1531~~ 1592	~~2282~~ 2373
Social Worker III	~~1670~~ 1737	~~2497~~ 2597
~~Social Worker Trainee~~	~~1169~~	~~1169~~
Social Services Supervisor I	~~1869~~ 1944	~~2786~~ 2897
Social Services Supervisor II	~~2042~~ 2124	~~3052~~ 3174
Social Welfare Supervisor III	~~2386~~ 2481	~~3408~~ 3544
~~Social Welfare Supervisor Trainee~~	~~1785~~	~~2229~~
Staff Training Supervisor I	~~1916~~ 1993	~~2729~~ 2838
Staff Training Supervisor II	~~2090~~ 2174	~~2986~~ 3105
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Studunt Social Worker (SWEP)	Rate proposed by appointing authority.	
Systems Programmer Analyst	~~1999~~ 2079	~~2729~~ 2838
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.	
Volunteer Services Coordinator I	~~1400~~ 1456	~~2090~~ 2174
Volunteer Services Coordinator II	~~1746~~ 1816	~~2497~~ 2597
Welfare Director I	~~1955~~ 2079	~~2919~~ 3105
Welfare Director II	~~2137~~ 2271	~~3192~~ 3395
Welfare Director III	~~2386~~ 2539	~~3408~~ 3619
Welfare Director IV	~~2610~~ 2775	~~3712~~ 3945
Welfare Director V	~~3556~~ 3698	~~5169~~ 5376
Work-Experience & Training Specialist	~~1746~~ 1816	~~2497~~ 2597

B. Support personnel.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Account Clerk	~~937~~ 974	~~1280~~ 1331
Accounting Technician	~~1001~~ 1041	~~1368~~ 1423
Adult Day Care Center Program Coordinator	~~956~~ 994	~~1368~~ 1423
Assistant Residential Facility Operator(s)	~~768~~ 799	~~1049~~ 1091
Case Aide	~~956~~ 994	~~1368~~ 1423
Chemical Dependency Counselor	~~1225~~ 1274	~~1601~~ 1665
Child Health Aide	~~838~~ 872	~~1146~~ 1192
Child Support Officer I	~~1169~~ 1216	~~1670~~ 1737
Child Support Officer II	~~1307~~ 1359	~~1785~~ 1856
Collection Services Supervisor I	~~1495~~ 1555	~~2042~~ 2124
Community Service Aide	~~642~~ 668	~~838~~ 872
Coordinator of Aging	~~979~~ 1018	~~1400~~ 1456
Data Entry Supervisor	1216	1665
Developmental Achievement Center Instructor	~~768~~ 799	~~956~~ 994
Family Service Aide I	~~768~~ 799	~~956~~ 994
Family Service Aide II	~~838~~ 872	~~1146~~ 1192
Family Service Coordinator I	~~1049~~ 1091	~~1368~~ 1423
Family Service/Home Health Aide	~~768~~ 799	~~956~~ 994
Financial Assistance Specialist	~~1225~~ 1274	~~1670~~ 1737
Financial Assistance Supervisor I	~~1431~~ 1488	~~2042~~ 2124
Financial Assistance Supervisor II	~~1565~~ 1628	~~2229~~ 2318
Financial Worker I	~~956~~ 994	~~1368~~ 1423
Financial Worker II	~~1073~~ 1116	~~1531~~ 1592
Fiscal Officer	~~1225~~ 1274	~~1746~~ 1816

Fiscal Supervisor I	~~1338~~ 1392	~~1916~~ 1993
Fiscal Supervisor II	~~1495~~ 1555	~~2137~~ 2222
Food Stamp Quality Control Reviewer	1274	1737
Home Health Aide	~~768~~ 799	~~956~~ 994
Home Health Aide Coordinator	~~1049~~ 1091	~~1368~~ 1423
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.	
Housing Coordinator	~~1195~~ 1243	~~1706~~ 1774
Licensed Practical Nurse	~~1024~~ 1065	~~1280~~ 1331
Office Services Supervisor I	1165	1592
Personnel Aide	~~1073~~ 1116	~~1464~~ 1523
Public Health Aide	~~642~~ 668	~~838~~ 872
Residential Facility Operator(s)	~~799~~ 831	~~1096~~ 1140
Senior Case Aide	~~1073~~ 1116	~~1531~~ 1592
Senior Citizen's Aide	~~642~~ 668	~~828~~ 872
~~Transportation Coordinator~~	~~979~~	~~1338~~
Welfare Fraud Investigator	~~1495~~ 1555	~~1955~~ 2033
~~Welfare Fraud Unit Supervisor~~	~~1634~~	~~2137~~

2. Plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Account Clerk	~~979~~ 1018	~~1338~~ 1392
Accounting Technician	~~1049~~ 1091	~~1431~~ 1488
Adult Day Care Center Program Coordinator	~~1001~~ 1041	~~1431~~ 1488
Assistant Residential Facility Operator(s)	~~799~~ 831	~~1096~~ 1140
Case Aide	~~1001~~ 1041	~~1431~~ 1488
Chemical Dependency Counselor	~~1280~~ 1331	~~1670~~ 1737
Child Health Aide	~~876~~ 911	~~1195~~ 1243
Child Support Officer I	~~1225~~ 1274	~~1746~~ 1816
Child Support Officer II	~~1368~~ 1423	~~1869~~ 1944
Collection Services Supervisor I	~~1565~~ 1628	~~2137~~ 2222
Community Service Aide	~~674~~ 701	~~876~~ 911
Coordinator of Aging	~~1024~~ 1065	~~1464~~ 1523
Data Entry Supervisor	1274	1737
Developmental Achievement Center Instructor	~~799~~ 831	~~1001~~ 1041
Family Service Aide I	~~799~~ 831	~~1001~~ 1041
Family Service Aide II	~~876~~ 911	~~1195~~ 1243
Family Service Coordinator I	~~1096~~ 1140	~~1431~~ 1488
Family Service/Home Health Aide	~~799~~ 831	~~1001~~ 1041
Financial Assistance Specialist	~~1280~~ 1331	~~1746~~ 1816
Financial Assistance Supervisor I	~~1495~~ 1555	~~2137~~ 2222
Financial Assistance Supervisor II	~~1634~~ 1699	~~2332~~ 2425
Financial Worker I	~~1001~~ 1041	~~1431~~ 1488
Financial Worker II	~~1120~~ 1165	~~1601~~ 1665
Fiscal Officer	~~1225~~ 1274	~~1746~~ 1816
Fiscal Supervisor I	~~1338~~ 1392	~~1916~~ 1993
Fiscal Supervisor II	~~1495~~ 1555	~~2137~~ 2222
Food Stamp Quality Control Reviewer	1331	1816
Home Health Aide	~~799~~ 831	~~1001~~ 1041

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Home Health Aide Coordinator	~~1096~~ 1140	~~1431~~ 1488
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of public welfare.	
Housing Coordinator	~~1252~~ 1302	~~1785~~ 1856
Licensed Practical Nurse	~~1073~~ 1116	~~1338~~ 1392
Office Services Supervisor I	1216	1665
Personnel Aide	~~1120~~ 1165	~~1531~~ 1592
Public Health Aide	~~674~~ 701	~~876~~ 911
Residential Facility Operator(s)	~~838~~ 872	~~1146~~ 1192
Senior Case Aide	~~1120~~ 1165	~~1601~~ 1665
Senior Citizen's Aide	~~674~~ 701	~~876~~ 911
~~Transportation Coordinator~~	~~1024~~	~~1400~~
Welfare Fraud Investigator	~~1565~~ 1628	~~2042~~ 2124
~~Welfare Fraud Unit Supervisor~~	~~1706~~	~~2229~~

3. Plan C. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Account Clerk	~~1024~~ 1065	~~1400~~ 1456
Accounting Technician	~~1096~~ 1140	~~1495~~ 1555
Adult Day Care Center Program Coordinator	~~1049~~ 1091	~~1495~~ 1555
Assistant Residential Facility Operator(s)	~~838~~ 872	~~1146~~ 1192
Case Aide	~~1049~~ 1091	~~1495~~ 1555
Chemical Dependency Counselor	~~1338~~ 1392	~~1746~~ 1816
Child Health Aide	~~915~~ 952	~~1252~~ 1302
Child Support Officer I	~~1280~~ 1331	~~1828~~ 1901
Child Support Officer II	~~1431~~ 1488	~~1955~~ 2033
Collection Services Supervisor I	~~1634~~ 1699	~~2229~~ 2318
Community Service Aide	~~705~~ 733	~~915~~ 952
Coordinator of Aging	~~1073~~ 1116	~~1531~~ 1592
Data Entry Supervisor	1331	1816
Developmental Achievement Center Instructor	~~838~~ 872	~~1049~~ 1091
Family Service Aide I	~~838~~ 872	~~1049~~ 1091
Family Service Aide II	~~915~~ 952	~~1252~~ 1302
Family Service Coordinator I	~~1146~~ 1192	~~1495~~ 1555
Family Service/Home Health Aide	~~838~~ 872	~~1049~~ 1091
Financial Assistance Specialist	~~1338~~ 1392	~~1828~~ 1901
Financial Assistance Supervisor I	~~1565~~ 1628	~~2229~~ 2318
Financial Assistance Supervisor II	~~1706~~ 1774	~~2441~~ 2539
Financial Worker I	~~1049~~ 1091	~~1495~~ 1555
Financial Worker II	~~1169~~ 1216	~~1670~~ 1737
Fiscal Officer	~~1225~~ 1274	~~1746~~ 1816
Fiscal Supervisor I	~~1338~~ 1392	~~1916~~ 1993
Fiscal Supervisor II	~~1495~~ 1555	~~2137~~ 2222
Food Stamp Quality Control Reviewer	1392	1901
Home Health Aide	~~838~~ 872	~~1049~~ 1091
Home Health Aide Coordinator	~~1146~~ 1192	~~1495~~ 1555
Housekeeper	Rate proposed by appointing authority and approved by the merit system, supervisor and the commissioner of public welfare.	
Housing Coordinator	~~1307~~ 1359	~~1869~~ 1944
Licensed Practical Nurse	~~1120~~ 1165	~~1400~~ 1456
Office Services Supervisor I	1274	1737
Personnel Aide	~~1169~~ 1216	~~1601~~ 1665
Public Health Aide	~~705~~ 733	~~915~~ 952
Residential Facility Operator(s)	~~876~~ 911	~~1195~~ 1243

Senior Case Aide	~~1169~~	1216	~~1670~~	1737
Senior Citizen's Aide	~~705~~	733	~~915~~	952
~~Transportation Coordinator~~	~~1073~~		~~1464~~	
Welfare Fraud Investigator	~~1634~~	1699	~~2137~~	2222
~~Welfare Fraud Unit Supervisor~~	~~1785~~		~~2332~~	

C. Clerical.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum		Maximum	
Administrative Secretary	961		1314	
~~Clerical Supervisor~~	~~924~~		~~1263~~	
Clerk I	~~664~~	691	~~904~~	940
Clerk II	~~759~~	789	~~1034~~	1075
Clerk III	~~845~~	879	~~1157~~	1203
Clerk-Typist I	~~695~~	723	~~945~~	983
Clerk-Typist II	~~759~~	789	~~1034~~	1075
Clerk-Typist III	~~845~~	879	~~1157~~	1203
~~Clerk Specialist~~	~~924~~		~~1263~~	
Clerk-Steno I	~~729~~	758	~~989~~	1029
Clerk-Steno II	~~826~~	859	~~1131~~	1176
~~Clerk Steno III~~	~~885~~		~~1206~~	
Data Entry Operator	~~759~~	789	~~1034~~	1075
Information Systems Specialist	~~845~~	879	~~1157~~	1203
Switchboard Operator I	~~759~~	789	~~1034~~	1075
Switchboard Operator II	~~806~~	838	~~1107~~	1151

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

2. Plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum		Maximum	
Administrative Secretary	1101		1436	
~~Clerical Supervisor~~	~~1059~~		~~1381~~	
Clerk I	~~759~~	789	~~989~~	1029
Clerk II	~~863~~	898	~~1131~~	1176
Clerk III	~~965~~	1004	~~1263~~	1314
Clerk-Typist I	~~791~~	823	~~1034~~	1075
Clerk-Typist II	~~863~~	898	~~1131~~	1176
Clerk-Typist III	~~965~~	1004	~~1263~~	1314
~~Clerk Specialist~~	~~1059~~		~~1381~~	
Clerk-Steno I	~~826~~	859	~~1082~~	1125
Clerk-Steno II	~~945~~	983	~~1236~~	1285
~~Clerk Steno III~~	~~1010~~		~~1318~~	
Data Entry Operator	~~863~~	898	~~1131~~	1176
Information Systems Specialist	~~965~~	1004	~~1263~~	1314
Switchboard Operator I	~~863~~	898	~~1131~~	1176
Switchboard Operator II	~~924~~	961	~~1206~~	1254

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

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3. Plan C. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions.

	Minimum	Maximum
Administrative Secretary	1203	1569
~~Clerical Supervisor~~	~~1157~~	~~1509~~
Clerk I	~~826~~ 859	~~1082~~ 1125
Clerk II	~~945~~ 983	~~1236~~ 1285
Clerk III	~~1059~~ 1101	~~1381~~ 1436
Clerk-Typist I	~~863~~ 898	~~1131~~ 1176
Clerk-Typist II	~~945~~ 983	~~1236~~ 1285
Clerk-Typist III	~~1059~~ 1101	~~1381~~ 1436
~~Clerk Specialist~~	~~1157~~	~~1509~~
Clerk-Steno I	~~904~~ 940	~~1179~~ 1226
Clerk-Steno II	~~1034~~ 1075	~~1350~~ 1404
~~Clerk-Steno III~~	~~1107~~	~~1445~~
Data Entry Operator	~~945~~ 983	~~1236~~ 1285
Information Systems Specialist	~~1059~~ 1101	~~1381~~ 1436
Switchboard Operator I	~~945~~ 983	~~1236~~ 1285
Switchboard Operator II	~~1010~~ 1050	~~1318~~ 1371

Employees in the class of Clerk-Typist I who are assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

D. Maintenance and trades.

1. Plan A. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	~~792~~ 824	~~1021~~ 1062
Bus Driver	~~863~~ 898	~~1107~~ 1151
Janitor	~~863~~ 898	~~1107~~ 1151
Laborer	~~$4.96/hr.~~ $5.16/hr.	~~$4.96/hr.~~ $5.16/hr.
~~Maintenance Worker~~	~~899~~	~~1158~~

2. Plan B. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	~~1021~~ ~~1062~~	~~1313~~ 1366
Bus Driver	~~1063~~ ~~1106~~	~~1369~~ 1424
Janitor	~~1021~~ ~~1062~~	~~1313~~ 1366
Laborer	~~$6.11/hr.~~ $6.36/hr.	~~$6.11/hr.~~ $6.36/hr.
~~Maintenance Worker~~	~~1107~~	~~1428~~

Department of Health

Proposed Amendments to Existing Rules of the Minnesota Merit System Governing the Compensation Plan

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, on September 26, 1983, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed amendments of existing rules may be modified as a result of

the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George A. Beck, Office of Administrative Hearings, 4th floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

A summary of proposed revisions to the rules is as follows:

A proposed revision to 7 MCAR § 1.2395 provides a recommended general salary adjustment of 4% for merit system employees effective January 1, 1984.

Proposed revisions to 7 MCAR § 1.314 provide for upgrading of minimum and maximum salary rates for all classes by 4%, with a few exceptions, and the deletion of classes that have been abolished.

The agency's authority to adopt the proposed rules is contained in Minn. Stat. § 144.071.

The cost to local public bodies of implementing the proposed rule changes will not exceed $100,000 for 1984.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-3996. Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments, contact Ralph Corey.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Minn. Stat. ch. 10A. requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, 1979 supp., 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, 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, 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, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

August 2, 1983

Sister Mary Madonna Ashton
Commissioner of Health

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Rules as Proposed

7 MCAR § 1.2395 Salary adjustments and increases.

A.-B. [Unchanged.]

C. Recommended adjustments. The merit system general adjustment recommended for incumbents is ~~seven-and-eight-tenths~~ four percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

D.-E. [Unchanged.]

7 MCAR § 1.314 Compensation plan (Public Health)—~~1983~~ 1984. The tables in A.-D. list minimum and maximum salary steps in monthly salary amounts for the specified classes of positions.

A. Professional and administrative.

1. Plan A.

	Minimum	Maximum
Assistant Director of Environmental Health	~~1828~~ 1901	~~2610~~ 2714
Assistant Director of Public Health Nursing	~~1670~~ 1737	~~2386~~ 2597
Business Administrator	~~1670~~ 1737	~~2386~~ 2481
Business Supervisor	~~1225~~ 1274	~~1746~~ 1816
Director of Environmental Health	~~2090~~ 2174	~~2986~~ 3105
Director of Public Health Nursing I	~~1670~~ 1737	~~2386~~ 2597
Director of Public Health Nursing II	~~1828~~ 1901	~~2610~~ 2714
Home Care Coordinator	~~1464~~	~~1999~~
Medical Technologist	~~1338~~ 1392	~~1746~~ 1816
Public Health Educator I	~~1338~~ 1392	~~1828~~ 1901
Public Health Educator II	~~1670~~ 1737	~~2282~~ 2373
Public Health Nurse	~~1400~~ 1456	~~1828~~ 1993
Public Health Nurse (Team Leader)	~~1464~~ 1523	~~1916~~ 2079
Public Health Nutritionist	~~1531~~ 1592	~~2090~~ 2174
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1338~~ 1392	~~1670~~ 1816
Sanitarian I	~~1338~~ 1392	~~1601~~ 1665
Sanitarian II	~~1464~~ 1523	~~1999~~ 2079
Sanitarian III	~~1601~~ 1665	~~2282~~ 2373
Sanitarian IV	~~1746~~ 1816	~~2497~~ 2597
School Health Coordinator	~~1400~~ 1456	~~1916~~ 1993
Senior Public Health Nurse	~~1531~~ 1592	~~1999~~ 2174

2. Plan B.

	Minimum	Maximum
Assistant Director of Environmental Health	~~1916~~ 1993	~~2729~~ 2838
Assistant Director of Public Health Nursing	~~1746~~ 1816	~~2497~~ 2714
Business Administrator	~~1746~~ 1816	~~2497~~ 2597
Business Supervisor	~~1280~~ 1331	~~1828~~ 1901
Director of Environmental Health	~~2184~~ 2271	~~3123~~ 3248
Director of Public Health Nursing I	~~1746~~ 1861	~~2497~~ 2714
Director of Public Health Nursing II	~~1916~~ 1993	~~2729~~ 2838
~~Home Care Coordinator~~	~~1531~~	~~2090~~
Medical Technologist	~~1400~~ 1456	~~1828~~ 1901
Public Health Educator I	~~1400~~ 1456	~~1916~~ 1993
Public Health Educator II	~~1746~~ 1816	~~2386~~ 2481
Public Health Nurse	~~1464~~ 1523	~~1916~~ 2079
Public Health Nurse (Team Leader)	~~1531~~ 1592	~~1999~~ 2174
Public Health Nutritionist	~~1601~~ 1665	~~2184~~ 2271
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1400~~ 1456	~~1746~~ 1901
Sanitarian I	~~1400~~ 1456	~~1670~~ 1737
Sanitarian II	~~1531~~ 1592	~~2090~~ 2174

Sanitarian III	~~1670~~ 1737	~~2386~~ 2481
Sanitarian IV	~~1828~~ 1901	~~2610~~ 2714
School Health Coordinator	~~1464~~ 1523	~~1999~~ 2079
Senior Public Health Nurse	~~1601~~ 1665	~~2090~~ 2271

3. Plan C.

	Minimum	Maximum
Assistant Director of Environmental Health	~~1999~~ 2079	~~2851~~ 2965
Assistant Director of Public Health Nursing	~~1828~~ 1993	~~2610~~ 2838
Business Administrator	~~1828~~ 1901	~~2610~~ 2714
Business Supervisor	~~1338~~ 1392	~~1916~~ 1993
Director of Environmental Health	~~2282~~ 2373	~~3264~~ 3395
Director of Public Health Nursing I	~~1828~~ 1993	~~2610~~ 2838
Director of Public Health Nursing II	~~1999~~ 2079	~~2851~~ 2965
~~Home Care Coordinator~~	~~1601~~	~~2184~~
Medical Technologist	~~1464~~ 1523	~~1916~~ 1993
Public Health Educator I	~~1464~~ 1523	~~1999~~ 2079
Public Health Educator II	~~1828~~ 1901	~~2497~~ 2597
Public Health Nurse	~~1565~~ 1699	~~2042~~ 2318
Public Health Nurse (Team Leader)	~~1634~~ 1774	~~2137~~ 2425
Public Health Nutritionist	~~1670~~ 1737	~~2282~~ 2373
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1495~~ 1628	~~1869~~ 2124
Sanitarian I	~~1464~~ 1523	~~1746~~ 1816
Sanitarian II	~~1601~~ 1665	~~2184~~ 2271
Sanitarian III	~~1746~~ 1816	~~2497~~ 2597
Sanitarian IV	~~1916~~ 1993	~~2729~~ 2838
School Health Coordinator	~~1531~~ 1592	~~2090~~ 2174
Senior Public Health Nurse	~~1706~~ 1856	~~2229~~ 2539

B. Health services support personnel.

1. Plan A.

	Minimum	Maximum
Animal Warden	~~956~~ 994	~~1252~~ 1302
Bookkeeper	~~1001~~ 1041	~~1431~~ 1488
Home Health Aide	~~768~~ 799	~~956~~ 994
Home Health Aide Coordinator	~~1049~~ 1091	~~1368~~ 1423
Inspector I	~~1073~~ 1116	~~1225~~ 1274
Inspector II	~~1169~~ 1216	~~1531~~ 1592
Laboratory Technician	~~915~~ 952	~~1195~~ 1243
Licensed Practical Nurse	~~1024~~ 1065	~~1280~~ 1331
Medical Laboratory Assistant	~~956~~ 994	~~1252~~ 1302
Nutrition Assistant	~~1001~~ 1041	~~1368~~ 1423
Public Health Aide	~~642~~ 668	~~838~~ 872

2. Plan B.

	Minimum	Maximum
Animal Warden	~~1001~~ 1041	~~1307~~ 1359
Bookkeeper	~~1049~~ 1091	~~1495~~ 1555
Home Health Aide	~~799~~ 831	~~1001~~ 1041
Home Health Aide Coordinator	~~1096~~ 1140	~~1431~~ 1488
Inspector I	~~1120~~ 1165	~~1280~~ 1331
Inspector II	~~1225~~ 1274	~~1601~~ 1665

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Laboratory Technician	~~956~~ 994	~~1252~~ 1302
Licensed Practical Nurse	~~1093~~ 1116	~~1338~~ 1392
Medical Laboratory Assistant	~~1001~~ 1041	~~1307~~ 1359
Nutrition Assistant	~~1049~~ 1091	~~1431~~ 1488
Public Health Aide	~~674~~ 701	~~876~~ 911

3. Plan C.

	Minimum	Maximum
Animal Warden	~~1049~~ 1091	~~1368~~ 1423
Bookkeeper	~~1096~~ 1140	~~1565~~ 1628
Home Health Aide	~~838~~ 872	~~1049~~ 1091
Home Health Aide Coordinator	~~1146~~ 1192	~~1495~~ 1555
Inspector I	~~1169~~ 1216	~~1338~~ 1392
Inspector II	~~1280~~ 1331	~~1670~~ 1737
Laboratory Technician	~~1001~~ 1041	~~1307~~ 1359
Licensed Practical Nurse	~~1120~~ 1165	~~1400~~ 1456
Medical Laboratory Assistant	~~1049~~ 1091	~~1368~~ 1423
Nutrition Assistant	~~1096~~ 1140	~~1495~~ 1555
Public Health Aide	~~705~~ 733	~~915~~ 952

C. Clerical.

1. Plan A.

	Minimum	Maximum
Clerk I	~~664~~ 691	~~904~~ 940
Clerk II	~~759~~ 789	~~1034~~ 1075
Clerk III	~~845~~ 879	~~1157~~ 1203
Clerk-Typist I	~~695~~ 723	~~945~~ 983
Clerk-Typist II	~~759~~ 789	~~1034~~ 1075
Clerk-Typist III	~~845~~ 879	~~1157~~ 1203
Clerk-Steno I	~~729~~ 758	~~989~~ 1029
Clerk-Steno II	~~826~~ 859	~~1131~~ 1176
~~Clerk-Steno III~~	~~885~~	~~1206~~
Switchboard Operator I	~~759~~ 789	~~1034~~ 1075
Switchboard Operator II	~~806~~ 838	~~1107~~ 1151

2. Plan B.

	Minimum	Maximum
Clerk I	~~759~~ 789	~~989~~ 1029
Clerk II	~~863~~ 898	~~1131~~ 1176
Clerk III	~~965~~ 1004	~~1263~~ 1314
Clerk-Typist I	~~791~~ 823	~~1034~~ 1075
Clerk-Typist II	~~863~~ 898	~~1131~~ 1176
Clerk-Typist III	~~965~~ 1004	~~1263~~ 1314
Clerk-Steno I	~~826~~ 859	~~1082~~ 1125
Clerk-Steno II	~~945~~ 983	~~1236~~ 1285
~~Clerk-Steno III~~	~~1010~~	~~1318~~
Switchboard Operator I	~~863~~ 898	~~1131~~ 1176
Switchboard Operator II	~~924~~ 961	~~1206~~ 1254

3. Plan C.

	Minimum	Maximum
Clerk I	~~826~~ 859	~~1082~~ 1125
Clerk II	~~945~~ 983	~~1236~~ 1285
Clerk III	~~1059~~ 1101	~~1381~~ 1436
Clerk-Typist I	~~863~~ 898	~~1131~~ 1176
Clerk-Typist II	~~945~~ 983	~~1236~~ 1285
Clerk-Typist III	~~1059~~ 1101	~~1381~~ 1436
Clerk-Steno I	~~904~~ 940	~~1179~~ 1226
Clerk-Steno II	~~1034~~ 1075	~~1350~~ 1404

~~Clerk Steno III~~	~~1107~~		~~1445~~	
Switchboard Operator I	~~945~~	983	~~1236~~	1285
Switchboard Operator II	~~1010~~	1050	~~1318~~	1371

D. Building maintenance. Employees in the classes specified in 1. and 2. who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

1. Plan A.

	Minimum		Maximum	
Custodian	~~736~~	765	~~863~~	898
Janitor	~~863~~	898	~~1107~~	1151

2. Plan B.

	Minimum		Maximum	
Custodian	~~863~~	898	~~1021~~	1062
Janitor	~~1021~~	1062	~~1313~~	1366

Department of Public Safety

Proposed Amendments to Existing Rules of the Minnesota Merit System Governing the Compensation Plan

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota on September 26, 1983, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed amendments of existing rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statement may be made orally and written materials may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George A. Beck, Office of Administrative Hearings, 4th floor, Summit Bank Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

A summary of proposed revisions to the rules is as follows:

A proposed revision to 11 MCAR § 1.2094 provides a recommended general salary adjustment of 4% for merit system employees effective January 1, 1984.

Proposed revisions to 11 MCAR § 1.2140 provide for an upgrading of minimum and maximum salary rates for all classes by 4% and the deletion of the class Clerk Stenographer III which has been abolished.

The agency's authority to adopt the proposed rules is contained in Minn. Stat. § 12.22, subd. 3.

The cost to local public bodies of implementing the proposed rule changes will not exceed $100,000 for 1984.

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Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-3966. Additional copies will be available at the hearing. If you have any questions on the content of the rule amendments, contact Ralph Corey.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Minn. Stat. ch. 10A. requires each lobbyist to register with the state Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10a.01 subd. 11, 1979 supp., 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, 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, 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, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

August 2, 1983

Rudy Perpich
Governor

Rules as Proposed

11 MCAR § 1.2094 Compensation plan.

A.-E. [Unchanged.]

F. Salary adjustments and increases.

1.-2. [Unchanged.]

3. Recommended adjustment. The merit system general adjustment recommended for incumbents is ~~seven and eight-tenths~~ four percent for employees on the professional and clerical salary schedules.

4.-5. [Unchanged.]

G.-I. [Unchanged.]

11 MCAR § 1.2140 Compensation plan (emergency services)~~—1983~~ 1984.

A. Professional.

1. Plan A.

	Minimum	Maximum
Administrative Officer	~~1400~~ 1456	~~1916~~ 1993
Assistant Civil Defense Director I	~~937~~ 974	~~1280~~ 1331
Assistant Civil Defense Director II	~~1120~~ 1165	~~1531~~ 1592
Assistant Civil Defense Director III	~~1338~~ 1392	~~1828~~ 1901
Assistant Civil Defense Director IV	~~1601~~ 1665	~~2184~~ 2271
Communications Officer	~~1225~~ 1274	~~1670~~ 1737
County Civil Defense Director I	~~1338~~ 1392	~~1828~~ 1901
County Civil Defense Director II	~~1531~~ 1592	~~2090~~ 2174
County Civil Defense Director III	~~1746~~ 1816	~~2386~~ 2481
County Civil Defense Director IV	~~2497~~ 2597	~~3408~~ 3544
Local Civil Defense Director I	~~1073~~ 1116	~~1464~~ 1523
Local Civil Defense Director II	~~1225~~ 1274	~~1670~~ 1737
Local Civil Defense Director III	~~1400~~ 1456	~~1916~~ 1993
Local Civil Defense Director IV	~~1746~~ 1816	~~2386~~ 2481
Local Civil Defense Director V	~~2497~~ 2597	~~3408~~ 3544
Operations Officer	~~1400~~ 1456	~~1916~~ 1993

Public Information Officer	~~1400~~ 1456	~~1916~~ 1993
Radiological Defense Officer	~~1225~~ 1274	~~1670~~ 1737
Safety Services Coordinator	~~1400~~ 1456	~~1916~~ 1993

2. Plan B.

	Minimum	Maximum
Administrative Officer	~~1464~~ 1523	~~1999~~ 2079
Assistant Civil Defense Director I	~~979~~ 1018	~~1338~~ 1392
Assistant Civil Defense Director II	~~1169~~ 1216	~~1601~~ 1665
Assistant Civil Defense Director III	~~1400~~ 1456	~~1916~~ 1993
Assistant Civil Defense Director IV	~~1670~~ 1737	~~2282~~ 2373
Communications Officer	~~1280~~ 1331	~~1746~~ 1816
County Civil Defense Director I	~~1338~~ 1392	~~1828~~ 1901
County Civil Defense Director II	~~1531~~ 1592	~~2090~~ 2174
County Civil Defense Director III	~~1746~~ 1816	~~2386~~ 2481
County Civil Defense Director IV	~~2497~~ 2597	~~3408~~ 3544
Local Civil Defense Director I	~~1073~~ 1116	~~1464~~ 1523
Local Civil Defense Director II	~~1225~~ 1274	~~1670~~ 1737
Local Civil Defense Director III	~~1400~~ 1456	~~1916~~ 1993
Local Civil Defense Director IV	~~1746~~ 1816	~~2386~~ 2481
Local Civil Defense Director V	~~2497~~ 2597	~~3408~~ 3544
Operations Officer	~~1464~~ 1523	~~1999~~ 2079
Public Information Officer	~~1464~~ 1523	~~1999~~ 2079
Radiological Defense Officer	~~1280~~ 1331	~~1746~~ 1816
Safety Services Coordinator	~~1464~~ 1523	~~1999~~ 2079

3. Plan C.

	Minimum	Maximum
Administrative Officer	~~1531~~ 1592	~~2090~~ 2174
Assistant Civil Defense Director I	~~1024~~ 1065	~~1400~~ 1456
Assistant Civil Defense Director II	~~1225~~ 1274	~~1670~~ 1737
Assistant Civil Defense Director III	~~1464~~ 1523	~~1999~~ 2079
Assistant Civil Defense Director IV	~~1746~~ 1816	~~2386~~ 2481
Communications Officer	~~1338~~ 1392	~~1828~~ 1901
County Civil Defense Director I	~~1338~~ 1392	~~1828~~ 1901
County Civil Defense Director II	~~1531~~ 1592	~~2090~~ 2174
County Civil Defense Director III	~~1746~~ 1816	~~2386~~ 2481
County Civil Defense Director IV	~~2497~~ 2597	~~3408~~ 3544
Local Civil Defense Director I	~~1073~~ 1116	~~1464~~ 1523
Local Civil Defense Director II	~~1225~~ 1274	~~1670~~ 1737
Local Civil Defense Director III	~~1400~~ 1456	~~1916~~ 1993
Local Civil Defense Director IV	~~1746~~ 1816	~~2386~~ 2481
Local Civil Defense Director V	~~2497~~ 2597	~~1408~~ 3544
Operations Officer	~~1531~~ 1592	~~2090~~ 2174
Public Information Officer	~~1531~~ 1592	~~2090~~ 2174
Radiological Defense Officer	~~1338~~ 1392	~~1828~~ 1901
Safety Services Coordinator	~~1531~~ 1592	~~2090~~ 2174

B. Clerical.

1. Plan A.

	Minimum	Maximum
Clerk I	~~664~~ 691	~~904~~ 940
Clerk II	~~759~~ 789	~~1034~~ 1075

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Clerk III	~~845~~ 879	~~1137~~ 1203
Clerk-Typist I	~~723~~ 723	~~945~~ 983
Clerk-Typist II	~~759~~ 789	~~1034~~ 1075
Clerk-Typist III	~~845~~ 879	~~1157~~ 1203
Clerk-Steno I	~~729~~ 758	~~989~~ 1029
Clerk-Steno II	~~826~~ 859	~~1131~~ 1176
~~Clerk-Steno III~~	~~885~~	~~1206~~

2. Plan B.

	Minimum	Maximum
Clerk I	~~759~~ 789	~~989~~ 1029
Clerk II	~~863~~ 898	~~1131~~ 1176
Clerk III	~~965~~ 1004	~~1263~~ 1314
Clerk-Typist I	~~791~~ 823	~~1034~~ 1075
Clerk-Typist II	~~863~~ 898	~~1131~~ 1176
Clerk-Typist III	~~965~~ 1004	~~1263~~ 1314
Clerk-Steno I	~~826~~ 859	~~1032~~ 1125
Clerk-Steno II	~~945~~ 983	~~1236~~ 1285
~~Clerk-Steno III~~	~~1010~~	~~1318~~

3. Plan C.

	Minimum	Maximum
Clerk I	~~828~~ 859	~~1082~~ 1125
Clerk II	~~945~~ 983	~~1236~~ 1285
Clerk III	~~1059~~ 1101	~~1381~~ 1436
Clerk-Typist I	~~863~~ 898	~~1131~~ 1176
Clerk-Typist II	~~945~~ 983	~~1236~~ 1285
Clerk-Typist III	~~1059~~ 1101	~~1381~~ 1436
Clerk-Steno I	~~904~~ 940	~~1179~~ 1226
Clerk-Steno II	~~1034~~ 1075	~~1350~~ 1404
~~Clerk-Steno III~~	~~1107~~	~~1445~~

Department of Revenue
Income Tax Division

Proposed Repeal of an Income Tax Rule Relating to Individual Housing Accounts (13 MCAR § 1.6016)

Notice of Intent to Repeal a Rule without a Public Hearing

Notice is hereby given that the Department of Revenue proposes to repeal 13 MCAR § 1.6016, Individual Housing Accounts, without a public hearing. The Commissioner of Revenue has determined that the proposed repeal of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes §§ 14.21 to 14.28.

13 MCAR § 1.6016 deals with Individual Housing Accounts. The authority for the rule was contained in Minnesota Statutes § 290.08, subdivision 25. Minnesota Statutes § 290.08, subdivision 25 was repealed by the legislature in the 1983 Omnibus Tax Bill, Laws 1983, chapter 342, article I, section 44. The repeal of Minnesota Statutes § 290.08, subdivision 25 was made effective for taxable years beginning after December 31, 1982. Therefore, it is proposed that the rule be repealed.

Persons interested in this rule repealer shall have 30 days to submit comments on the proposed rule repealer. The proposed rule repealer 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 repeal.

Unless seven or more persons submit written requests for a public hearing on the proposed rule repealer 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 Minnesota Statutes §§ 14.13 to 14.20.

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

Mr. John P. Malach, Jr.
Attorney, Income Tax Division
Minnesota Department of Revenue
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-3439

Authority for the repeal of this rule is contained in Minnesota Statutes § 290.52. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the rule repealer and identifies the data and information relied upon, to support the proposed rule repealer, has been prepared and is available from Mr. Malach upon request.

Upon adoption of the final rule without public hearing, the proposed rule repealer, this notice, the statement of need and reasonableness, all written comments received, and the final rule repealer as adopted will be delivered to 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 this material to the Attorney General or who wish to receive a copy of the final rule repealer, as proposed for adoption, should submit a written statement of such request to Mr. Malach.

The entire text of the proposed rule repealer is as follows: Repealer. Rule 13 MCAR Section 1.6016 is repealed.

August 5, 1983

Arthur C. Roemer
Commissioner of Revenue

Rules as Proposed (all new material)

Repealer. Rule 13 MCAR § 1.6016 is repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Public Employment Relations Board

Adopted Rules Governing Issues and Appeals, Arbitration of Terms and Conditions of Employment, Arbitration of Grievances, and Independent Review

The rules proposed and published at *State Register*, Volume 7, Number 36, pages 1258-1271, March 7, 1983 (7 S.R. 1258) are adopted with the following modifications:

Rules as Adopted

8 MCAR § 3.017 The hearing.

E. Decorum.

1. The presiding officer may prohibit the operation of a television, newsreel, motion picture, still, or other camera and

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mechanical recording devices in the hearing room while the hearing is in progress if such operation shall be determined to have a significantly adverse ~~affect~~ effect on the hearing.

8 MCAR § 3.035 Selection of an arbitrator.

When the director has certified an impasse to the board pursuant to Minnesota Statutes, section 179.69, the board shall submit to the parties a list of seven names for the selection of an arbitrator. If a party desires a single arbitrator, it shall notify the board in writing of its request. Such request must be received by the board or postmarked within five working days after the requesting party's receipt of the list of arbitrators and before striking of names commences. In selecting the single arbitrator or a three-member panel, the parties shall alternately strike names from the list until the appropriate number of names remains. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In the case of a three-member panel, the parties shall designate a convenor. If the parties fail to agree upon a convenor, each party shall strike, in the continued order of striking, one name from the panel. The remaining arbitrator shall act as the convenor for the purpose of commencing the proceedings. After selection, the parties shall immediately notify the board in writing of the name of the single arbitrator or the names of the panel and convenor.

8 MCAR § 3.063 Petition.

A. Authority to petition. An employee may petition the board in writing for independent review of a grievance arising out of the interpretation of or adherence to terms and conditions of employment when no other such procedure exists to hear that grievance. The petitioner shall provide all parties a copy of the petition at the time of filing with the board.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota
County of Dakota

Tax Court
Regular Division

John M. Sawicke,

Appellant,

v.

The Commissioner of Revenue,

Appellee.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR JUDGMENT

Order Dated: 8/1/83

The above matter was tried on March 29, 1983 by the Minnesota Tax Court, Judge Carl A. Jensen presiding, at the Minnesota Tax Court Hearing Room in St. Paul, Minnesota. Briefs were subsequently filed by both parties.

Appellant, John M. Sawicke, appeared on his own behalf.

Thomas K. Overton, Special Assistant Attorney General, appeared on behalf of Appellee.

Syllabus

An existing domicile is presumed to continue until a new one is clearly established.

Findings of Fact

1. Appellant, John M. Sawicke, is a cash basis taxpayer. This case involves his 1977 Minnesota income tax.

2. Prior to June 1975, Appellant worked for Control Data Corporation in Minneapolis as a computer programmer.

3. Appellant was a domiciliary of the State of Minnesota from October 1, 1968 to at least June, 1975. Appellant claims that he was a Virginia domiciliary from January, 1975 through 1978. The commissioner claims that Appellant was a Minnesota domiciliary throughout.

4. Before, during and after 1977, Appellant's parents occupied a home at 6508 62nd Avenue North, Minneapolis, Minnesota. This was Appellant's last permanent address in the United States prior to going overseas in 1975.

5. In June, 1975, Appellant commenced employment with Computer Sciences Corporation. That corporation assigns employees to work at various locations throughout the world.

6. For part of June, 1975, Appellant stayed in Falls Church, Virginia.

7. From June 19, 1975 through December, 1976, Appellant was assigned to work and live in Tehran, Iran.

8. Appellant does not contend that he changed his domicile to Iran.

9. On January 1, 1976, Appellant filed an Application for Extension of Time for Filing United States Income Tax Return. On it he stated that his last permanent address in the United States was 6508 62nd Avenue North, Minneapolis, Minnesota. He had resided there with his parents.

10. In January, 1977, Appellant returned to the United States and stayed at 6508 62nd Avenue North, Minneapolis, Minnesota, until January 20, 1977.

11. Appellant purchased a 1977 Oldsmobile from Lindahl Olds, Minneapolis, Minnesota, in January, 1971.

12. The 1977 Oldsmobile purchased in January, 1977 was financed with a loan from GMAC, Minneapolis, Minnesota, and the final payment on this loan was made in March, 1979.

13. The Oldsmobile was titled and registered (licensed) in Minnesota. Appellant gave his address as 6508 62nd Avenue North, Minneapolis, Minnesota. The vehicle remained titled and registered in Minnesota until it was sold (after 1979).

14. The Oldsmobile was insured with a Minnesota agent and the address maintained on the insurance was 6508 62nd Avenue North, Minneapolis, Minnesota.

15. In January 1977, Appellant opened a savings account at Northwestern National Bank of Minneapolis, the institution where he maintained his checking account.

16. From January 20, 1977 to October, 1977, Appellant was assigned by Computer Sciences Corporation to work at the General Services Administration in Washington, D.C.

17. On January 28, 1977, Appellant filed his 1975 Minnesota Income Tax Return showing his address as 6508 62nd Avenue North, Minneapolis, Minnesota.

18. From November, 1977 through January, 1978, Appellant was assigned by Computer Sciences Corporation to the Customs Bureau. Appellant considered this to be a temporary assignment.

19. From January 20, 1977 through January, 1978, Appellant lived in two different apartments in Virginia.

20. Virginia state taxes were withheld from Appellant's wages. However, Appellant did not file a Virginia income tax return.

21. From February, 1978 through September, 1978, Appellant was employed by Galler Associates.

22. During his employment by Galler Associates, Appellant worked in the Minneapolis area and lived at an apartment in the Minneapolis area paid for by Galler Associates.

23. Galler Associates did not withhold any Virginia state taxes.

24. In February, 1978, Appellant renewed his Minnesota drivers license.

25. In March, 1978, Appellant refinanced his outstanding loan with the Minneapolis Federal Employees Credit Union.

26. In March, 1978, Appellant purchased a boat (in Minnesota) and a trailer (in Minnesota). He registered both the boat and trailer in Minnesota.

27. On his 1977 Income Tax Return (filed about April 1978), Appellant stated that his address was 6508 62nd Avenue North, Minneapolis, Minnesota.

28. In May, 1978, P.N.S., a partnership owned by Appellant and another, filed an application for a Minnesota Tax Identification Number. It showed that Appellant's home address was 6508 62nd Avenue North, Minneapolis, Minnesota.

29. From September, 1978 through January, 1979, Appellant was employed by P.N.S.

30. From September, 1978 through January, 1979, Appellant again lived at 6508 62nd Avenue North, Minneapolis, Minnesota.

31. In February, 1979, Appellant returned to work for Control Data Corporation in Minneapolis, Minnesota.

32. Appellant rented an apartment in the Minneapolis area.

33. Appellant maintained his Master Charge account from 1975 through 1978. The billing address was at all times 6508 62nd Avenue North, Minneapolis, Minnesota. See Appellant's Answer No. 10 to Discovery Requests Set No. 1.

34. Appellant maintained an outstanding loan from Minneapolis Federal Employees Credit Union from before 1975 to the present.

35. Appellant has maintained his checking account with Northwestern National Bank, Minneapolis, Minnesota from 1968 to the present.

36. Appellant has maintained his share account with the Minneapolis Federal Employees Credit Union from 1968 to the present.

37. Appellant has maintained his Minnesota drivers license from 1963 to the present. He did not obtain one from Virginia.

38. Throughout the period from 1975 through 1979, Appellant acknowledged that he consistently gave 6508 62nd Avenue North, Minneapolis, Minnesota as his home address for all important matters. He stated that he did so because he relocated frequently, staying in each location for only short periods of time.

39. Appellee issued an Order dated December 4, 1981 stating that it had prepared a tax return for the year 1977 for the Appellant since Appellant had failed to file such return after being requested to do so. This Order indicated that the tax for the year 1977 was $1,654.80. A penalty of $413.70 was assessed together with interest to the date of the Order of $635.17 making a total due as of December 4, 1981 in the amount of $2,703.67.

40. Under the circumstances existing in this matter, no penalty should be assessed.

41. Appellant's W-2 tax statement for 1977 indicates that a Virginia State tax of $862.40 was withheld from Appellant's wages. There was no evidence that Appellant had received a refund of any portion of such withheld wages.

42. The Minnesota Income Tax Return prepared by Appellee for Appellant for the year 1977 does not appear to provide the proper deduction for federal income taxes withheld or paid in 1977.

43. Appellant should be found to be domiciled in the State of Minnesota for the year 1977 and Appellant should be directed to recalculate Appellant's 1977 Minnesota Income Tax by providing the proper deduction for the federal income tax withheld or paid by Appellant in 1977 and by allowing a credit of $862.40 for Virginia State Income Taxes withheld from Appellant's income and no penalty should be assessed.

Conclusions of Law

1. Appellee is directed to recalculate the Minnesota Income Tax due from Appellant for 1977 on the basis of his being a Minnesota resident during 1977. Appellee should provide the proper deduction for federal income taxes withheld or paid by Appellant in 1977 and should allow a credit of $862.40 for state income taxes paid to Virginia. No penalty should be assessed. Interest on the net amount due shall be calculated from the due date for taxes due and payable for the year 1977.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

Dated: August 1, 1983

By the Court

Carl A. Jensen, Judge
Minnesota Tax Court

Memorandum

The first item in Appellant's Brief states the following:

"June 1975—Appellant abandons his Minnesota domicile."

The law is well settled that one always has a domicile and that the existing domicile continues until a new domicile is established.

It is also well settled that physical residence alone does not establish a new domicile without an intention to establish a new domicile. Also, intention alone does not establish a new domicile. Generally, there must be a clear demonstration of both acts and intention to establish a new domicile and this determination is not always easy especially where it is to one's financial benefit to prove that a change of domicile took place at some time in the past. In making this determination the Court will place more emphasis on acts than on statements made a considerable time after it is claimed that the change in domicile occurred.

Minn. Stat. 1976 § 290.17(1) provides that the income from personal services of all Minnesota residents shall be assigned to Minnesota for income tax purposes. A resident is "any individual domiciled in Minnesota and any other individual maintaining an abode therein during any portion of the tax year who shall not, during the whole year, have been domiciled outside the state." Minn. Stat. 1976 § 290.01, subd. 7. A Department of Revenue income tax regulation defines domicile:

Minn. Stat. 1976 § 290.17, subd. (2) also allocates income from intangibles to the state of domicile. If a taxpayer is domiciled in Minnesota, his income is subject to Minnesota income tax. See, e.g., Lloyd M. Gonner v. Com'r, Mn. T.Ct. #315 (July 8, 1948).

The domicile of any person shall be that place in which that person's habitation is fixed, without any present intentions of removal therefrom, and to which whenever absent, that person intends to return.

A person who leaves home to go into another jurisdiction for temporary purposes only, is not considered to have lost that person's domicile. But if a person moves to another jurisidiction with the intention of remaining there permanently or for an indefinite time as a home, that person shall have lost that person's domicile in the state.

* * *

The mere intention to acquire a new domicile, without the fact of physical removal, does not change the status of the taxpayer, nor does the fact of physical removal, without the intention to remain, change the person's status. The presumption is that one's domicile is the place where one lives.

An individual can have only one domicile at any particular time. *A domicile once shown to exist is presumed to continue until the contrary is shown. An absence of intention to abandon the domicile is equivalent to an intention to retain the existing one.* No positive rule can be adopted with respect to the evidence necessary to prove an intention to change a domicile, but such an intention may be proved by acts and declarations, and of the two forms of evidence, acts shall be given more weight than declarations. (Emphasis added)

13 MCAR § 1.6001.

The regulation goes on to list a number of factors to consider in determining whether or not a person is domiciled in the State of Minnesota. No single item in the list, by itself, establishes domicile. Among the factors relevant to the case at bar are the following:

1. Location of domicile for prior years.

* * *

4. Classification of employment as temporary or permanent.
5. Location of employment.
6. Location of newly acquired living quarters whether rented or owned.

* * *

10. Jurisdiction in which a valid driver's license was issued.

* * *

13. Jurisdiction from which any motor vehicle license was issued and the actual physical location of the vehicle.

* * *

15. Whether an income tax return has been filed as a resident or nonresident.
16. Whether the person has fulfilled the tax obligations required of a resident.
17. Location of any bank accounts, especially the location of the most active checking account.
18. Location of other transactions with financial institutions.

* * *

20. Location of business relationships and the place where business is transacted.

* * *

22. Address where mail is received.
23. Percentage of time (not counting hours of employment) that the person is physically present in Minnesota and the percentage of time (not counting hours of employment) that the person is physically present in each jurisdiction other than Minnesota.

* * *

The regulation and the case law make it clear that once a domicile is established it continues until another domicile has been established elsewhere. *Sarek v. Commissioner*, Mn. T.Ct. #2524 (April 9, 1979), *American Law Institute, Restatement, Conflict of Laws*, ch. 2, § 23. The taxpayer has the burden of proving that he established a new domicile outside of Minnesota. *McCutchan v. Commissioner*, Mn. T.Ct. #563 (January 20, 1956).

To establish a new "domicile" requires physical presence in a given jurisdiction coupled with an intention to make such place one's home. *Miller's Estate v. Commissioner of Taxation*, 240 Minn. 18, 59 N.W. 2d 925 (1953). The question of intent, as gathered from a person's acts and declarations is a question of fact. *In re Estate of Smith*, 242 Minn. 85, 89, 64 N.W. 2d 129, 131

(1954). A person's course of conduct is accorded greater weight than his self-serving declaration of domicile. *See, Texas v. Florida,* 306 U.S. 398, 425 (1939); *Sucomb v. Bovey,* 135 Minn. 353, 356, 160 N.W. 1018, 1019 (1917). "A mere place of residence and a few other contacts are not enough to establish a new domicile." *Sauk v. Commissioner, supra.* Domicile is not something easily abandoned or accidentally changed. *Lindberg v. Commissioner,* Mn. T.Ct. #339 (March 30, 1950), *McCutchan, supra.*

Continued existence of Minnesota domicile does not require continued physical presence in Minnesota or continued maintenance of an abode in Minnesota. In *Lindberg v. Commissioner,* Mn. T.Ct. #339 (March 30, 1950), the Tax Court said:

"Taxpayer's position apparently is, that since he didn't actually live in Minnesota . . . , he was not a resident and therefore no tax can be imposed on him by reason of residence in Minnesota. This understanding of the use of the word resident is understandable but is not the correct interpretation of the word as used in the income tax statutes defining resident . . . It is not correct to assume, as taxpayer does, that if one's place of abode is not Minnesota, he cannot be a resident of this State. Actual physical presence in one's place of abode, and one's domicile would, in most cases, and with individuals, be identical, but *one's domicile and one's place of abode need not necessarily be the same.*" (Emphasis added)

In the present case, we are confronted with just such a situation. Appellant was undisputably domiciled in Minnesota until he began his employment with Computer Sciences Corporation in June, 1975.

Between June, 1975 and February, 1978, Appellant did not maintain his abode in Minnesota. Although Appellant contends that from June 1975 to February 1978 he was domiciled in Virginia, the facts show that during his absence from Minnesota, he did not establish a new domicile elsewhere. During this interval of absence, Appellant was employed on a permanent basis by Computer Sciences Corporation. Appellant expected that his work location would change as he was assigned to particular jobs and this in fact did occur. Appellant's first eighteen months were on assignment in Iran. Even Appellant does not claim that he was a domiciliary of Iran. Thereafter Appellant returned briefly to Minnesota. Appellant was then assigned to work at the Government Services Administration for nine months and at the Customs Bureau for three months. These were in Washington, D.C. While on assignment to Washington, Appellant lived first in apartments in Arlington, Virginia (one month) and then in Falls Church, Virginia.

Appellant returned to Minnesota in February, 1978, and has been employed and maintained his abode here to the present.

During his absence from Minnesota, Appellant did not establish a permanent home in Virginia. Rather, Appellant maintained his ties with Minnesota.

In January, 1976, (while in Iran) Appellant filed an application for extension of time for filing his United States Income Tax Return. On the application he stated that his last permanent address in the United States was 6508 62nd Avenue North, Minneapolis, Minnesota.

In January, 1977, Appellant returned from Iran. He returned to 6508 62nd Avenue North, Minneapolis, Minnesota. Appellant purchased a new car in Minneapolis. He financed the purchase with a loan obtained from GMAC in Minneapolis. The automobile was registered in Minnesota. It was insured with a Minnesota Company through a Minnesota agent. For all purposes Appellant gave 6508 62nd Avenue North, Minneapolis, Minnesota as his address.

At about this time, Appellant opened a savings account at Northwestern National Bank of Minneapolis, the institution where he continued to maintain his checking account.

On January 28, 1977 (after Appellant left Minneapolis for Virginia) Appellant filed his 1975 Minnesota Income Tax Return showing his address as 6508 62nd Avenue North, Minneapolis, Minnesota.

During the period of his absence, Appellant not only established new financial connections with Minnesota, but also retained his existing personal financial connections with the State. In 1968, Appellant opened a checking account with Northwestern National Bank in Minneapolis, and a share account with the Minneapolis Federal Employees Credit Union. Appellant maintained these accounts throughout his absence and continues them to the present time. Appellant maintained his loan from the Minneapolis Federal Employees Credit Union (obtained before 1975) and refinanced the loan in March, 1978.

Appellant held a Master Charge card from 1975 through 1978. The billing address was 6508 62nd Avenue North, Minneapolis, Minnesota. See Appellant's Answer No. 10 to Discovery Requests Set No. 1.

The address stated on his 1977 Federal Income Tax Return was the same.

Appellant maintained his other ties to Minnesota. Appellant kept his vehicle registered in Minnesota. Appellant maintained a Minnesota driver's license. He did not apply for Virginia registration or driver's license.

Throughout the period of his absence from Minnesota, Appellant admits that for all important matters he consistently gave his home address as 6508 62nd Avenue North, Minneapolis, Minnesota. He did so because he moved frequently and stayed in each location for only a short period of time.

Although Appellant claims to have been a Virginia domiciliary in 1977, he did not file a Virginia State Income Tax Return for that year.

In the case of *Blaine R. McCutchan v. Commissioner of Taxation*, Dkt. #563 (January 20, 1956), the Tax Court said:

"Even assuming that taxpayer was sincere in his intention never to again return to Minnesota, this would not in and of itself be sufficient for him to lose his Minnesota domicile. There would also have to be a simultaneous intent to establish a new domicile elsewhere. *The rule on the continuing quality of a domicile is quite clear.* American Law Institute, Restatement, Conflict of Laws, Chapter 2, Section 23, reads as follows:

A *domicile once established continues until it is superseded by a new domicile.*

Comment b . . . If a *domicile of choice is abandoned without acquiring a new domicile of choice*, the domicile of origin is not thereby revived, but *the last domicile of choice continues to be the domicile.*" (Emphasis added)

In the present case, Appellant has failed to show any evidence that he intended to make Virginia his new permanent home other than his allegations to that effect. Having failed to establish a new *domicile* in Virginia, Appellant remained domiciled in Minnesota, despite his verbal statements to the contrary. Appellant was a domiciliary of this State for 1977 income tax purposes.

Appellant states on page 5 of his brief that one of the reasons he did not change his car registration to the State of Virginia was that Virginia levies a personal property tax on motor vehicles. A person is not allowed to choose one domicile for one tax purpose and another domicile for another tax purpose. If in fact, Appellant's domicile had been Virginia for the entire year of 1977, it appears from his own brief that he should have paid Virginia personal property taxes on his vehicle.

The failure to change his driver's license is of some significance. Many states require that if one moves into the state for permanent residence that a new driver's license must be obtained often within 30 days of moving into the new state. If this is in fact the case with the State of Virginia and if Appellant had been questioned about this, he would have had no difficulty in establishing to the Virginia authorities that he was in fact domiciled in Minnesota and that his Virginia residence was temporary. It would appear to us that it would have been virtually impossible for the State of Virginia to prove that Virginia was his residence. We have found no physical acts done by the Appellant that would be inconsistent with a temporary residence in Virginia. All of the items listed by Appellant as an indication of change of domicile such as establishing new bank accounts, new mailing address, and other similar things, are not inconsistent with a temporary residence.

Appellant states that he attempted to file a State of Virginia tax return for 1977. We don't find this of importance since he would be required to file a State of Virginia tax return regardless of whether or not he had to file a Minnesota tax return. We do find it of some significance that Appellant indicated a Minnesota address on his 1977 Federal Income Tax Return.

We find no acts of Appellant that are inconsistent with a continuous domicile in the State of Minnesota and we find very little that would be consistent with a finding that Appellant had in fact changed his domicile. Under these circumstances, we are compelled to find that Appellant was domiciled in Minnesota during the year 1977.

C.A.J.

SUPREME COURT

Decisions Filed Friday, August 12, 1983
Compiled by Wayne O. Tschimperle, Clerk

CX-82-771 State of Minnesota v. Gary L. Bland, Appellant. Hennepin County.

State met its burden of proving that defendant committed an assault with a dangerous weapon and that he did not act in self-defense.

Defendant was not prejudiced by prosecutor's failure to call a witness referred to in the prosecutor's opening statement.

Trial court did not improperly restrict defense counsel's cross-examination of the victim about his prior acts of violence.

Prosecutor did not commit plain error in eliciting evidence that defendant's possession of the weapon he used, a sawed-off shotgun, was a separate crime.

Trial court did not err in its instructions on self-defense.

Affirmed. Amdahl, C.J.

SUPREME COURT

C6-82-1058 State of Colorado, on behalf of Jean E. McDonnell, petitioners, Appellants v. James T. McCutcheon, Washington County.

In a standard action under the Uniform Reciprocal Enforcement of Support Act (URESA), Minn. Stat. ch. 518C (1982), the responding court is not required to conform its support order to the provisions of a decree of a foreign state, but instead makes an independent award based on Minnesota law. The awarding ongoing support in the instant case is affirmed.

In a standard URESA action, the responding court does not grant an award of accrued arrearages under the foreign order; it may instead make an award for reimbursement of proved expenses reasonably paid by the obligee for past support of the child. The responding court in a standard URESA action has no power to modify the terms of the foreign decree. The denial of an award for accrued arrearages or past support in the instant case is affirmed.

Affirmed. Peterson, J.

C0-82-679, C1-82-867 State of Minnesota v. James Mallory, Appellant (C0-82-679) and Keith Mayes, Appellant (C1-82-867). Hennepin County.

Police did not violate defendants' Fourth Amendment rights in stopping automobile when police had particularized and objective basis for suspecting the occupant(s) of criminal activity.

Identification procedures used by police did not create a very substantial likelihood of irreparable misidentification of defendants.

Affirmed. Kelley, J.

C7-82-1523 Agri Credit Corporation v. Raleigh Liedman, Appellant. Kandiyohi County.

Where the maker of a promissory note agreed to pay reasonable costs of collection including attorney fees paid or incurred, the creditor was only entitled an award of reasonable attorney fees paid or incurred by it up to the time of entry of judgment. Such attorney fees should not be computed by reference to any arbitrary court schedule or policy.

Reversed and remanded. Kelley, J.

C2-82-893 State of Minnesota v. Gary L. Williams, Appellant. Hennepin County.

Evidence was sufficient to identify defendant as participant in burglary of house and armed robbery of residents of house.

Trial court's instructions on circumstantial evidence were adequate.

Trial court properly sentenced defendant to consecutive prison terms for robberies of two people even though different judges sentenced defendant's accomplices to concurrent terms for the same offenses.

Affirmed. Coyne, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Administration

Notice of Request for Proposals for Rental of Office Space

The Department of Administration desires proposals for the rental of up to 36,000 usable square feet of office space and approximately 2,000 usable square feet of warehouse space for the Department of Energy and Economic Development in the City of St. Paul.

Contact: Department of Administration
Real Estate Management Division
50 Sherburne Avenue, Room G-22
St. Paul, Minnesota 55155
Telephone: (612) 296-6674

Proposals must be submitted by 2:00 p.m. (CDST) on Friday, September 9, 1983.

State Designer Selection Board

Notice of Request for Proposal

To Architects and Engineers Registered in Minnesota

The State Designer Selection Board has been requested to select designer for three projects. Design firms who wish to be considered for these projects should submit proposals on or before 4:00 p.m., September 14, 1983, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.

2. All data must be on 8½″ × 11″ sheets, soft bound.

3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4. The proposal should consist of the following information in the order indicated below:

a) Number and name of project.

b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.

c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.

d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.

e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.

f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of $50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-address stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the board will retain one copy of each proposal submitted.

Any questions concerning the board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7a) PROJECT 11-83
Correct Water Infiltration Problems
Trafton Science Center
Mankato State University
Mankato, Minnesota
State University System

Allocation: $850,000.00 for construction, fees, testing and administration.

General Description: Numerous problem areas have been identified and described in a consultant prepared survey report titled "Trafton Science Center Water Damage — Phase II". This report identifies the sources of the leaks, other than roof and plaza areas, and the recommended solutions are included for each incident. The areas identified with leaks are masonry exterior walls, foundation, curtain walls, return air shafts, area well drainage, and roof top sheet metal ducts. Also included are 1982 cost estimates for the recommended solutions.

The consultant selected is expected to review the site conditions and survey report, concur with, or recommend alternate corrective measures before proceeding with final corrective construction program.

In the selection of the consultant, the board will expect the consultant to address:

1) Experience in similar type of projects.

2) Staff available for a timely completion of the documents and observation or the work.

7b) PROJECT 12-83
Roof Repairs and Replacements
Minnesota Correctional Facility
Stillwater, Minnesota
Department of Corrections

Allocation: $700,000.00 for construction, fees, testing and administration.

The project consists of major repairs and replacements of the roofs, gutters, rainleaders, and downspouts on the various buildings at the Minnesota Correctional Facility, Stillwater, Minnesota. These buildings include the Administration, Cell Hall A, Cell Hall B, Education Unit, Cell Hall C, Laundry, Operations, Security Center and the main corridor.

In the selection of a consultant the board will be considering the following:

1) The experience of similar types of projects including tile and flat roofs.

2) Staff available for a timely completion of the documents and observation of the work.

A fee of 6% is considered appropriate for this project.

7c) PROJECT 13-83
Expansion and Addition
Bierman Field Athletic Buildings
University of Minnesota
Minneapolis, Minnesota

Project Description: The expanding growth for the Mens and Womens Intercollegiate Athletics programs has stressed the capacity of the existing facility to a maximum. Since the original facility was intended to serve the Mens Intercollegiate Athletics alone, space has been relinquished and shared with the Womens Intercollegiate Athletics, Recreational Sports, and the School of Health Education. Approximately 11,000 assignable square feet in office space (17,800 GSF) is needed to properly house the present staff and the projected expansions. The construction budget for the new construction is $1,142,000.00 and includes some adaptive remodeling in the existing spaces. A feasibility study has shown that the roof of the existing building will support an additional floor where the new office space will be located.

Consultant Services: The consultant will be required to prepare, in cooperation with owner's Building Advisory Committee for the owner's approval, schematic design presentation proposals, design development drawings and specifications, and

construction drawings and specifications for public bidding. Construction phase services will include shop drawing reviews, construction observation, and the production of a set of "as-built" drawings.

Fees: The fees for the project will be negotiated on the basis of general guidelines for similar type projects.

Questions concerning Project 13-83 may be referred to Clint Hewitt at 373-2250.

Roger D. Clemence, Chairman
State Designer Selection Board

Department of Energy and Economic Development Division of Community Development

Juvenile Justice Grants

The Minnesota Juvenile Justice Advisory Committee and the Department of Energy and Economic Development announce the availability of $200,000 for Youth Intervention Projects to begin January 1, 1984 and end December 31, 1984. Applications must be submitted before October 7, 1983.

Application forms and other program information can be obtained by contacting:

Steve Gustafson
Juvenile Justice Grants
Division of Community Development
Department of Energy and Economic Development
100 Hanover Building
480 Cedar Street
St. Paul, Minnesota 55101
(612) 296-8243

City of Hermantown

Notice of Availability of Contract for Preliminary Engineering for the Design, Development and Engineering of the Rebuilding of Arrowhead Road, a Distance of Approximately 3 Miles

The City of Hermantown requires the services of a consulting engineer with extensive experience in the construction of roadways.

Proposed work includes:

1. Provide assistance to the City of Hermantown in determining final design of the project.

2. Prepare survey work.

3. Prepare project memorandum including project development report and location design study report as well as environmental analysis as needed and other required documents necessary for the City to file for construction funds and secure permits.

4. Prepare plans, specifications and estimates and other documentation as may be required.

5. Perform all required on-site staking, surveying, reporting, inspection and related services through construction completion.

6. Prepare documentation necessary for FHWA final approval.

Firms desiring consideration shall express their interest and submit their current federal forms 254 and 255 by 4:30 p.m., Wednesday, August 31, 1983. Four (4) copies must be submitted. Technical proposals will be requested from qualifying firms.

This is not a request for proposal. Send your response to:

Nancy Sirois, City Clerk
CITY OF HERMANTOWN
3161 Maple Grove Road
Hermantown, MN 55811
(218) 729-6331

Metropolitan Council
Developmental Disabilities Program

Notice of Request for Proposals for Developmental Disabilities Resource Developer/Vocational Trainer

Notice is hereby given that the Metropolitan Council's Developmental Disabilities Program is seeking two consultants under a one-year contract to provide services to developmentally disabled adults. The consultants will work as part of the Developmental Disabilities Community Work Training project and will be primarily responsible for recruiting job-training sites in Metro Area businesses and for initiating and supervising the training of project clients.

Qualifications include a college degree plus 2-3 years experience in vocational rehabilitation for people who have substantial physical or mental retardation handicaps. Should also have ability or experience to aggressively market the project to prospective employers.

The contract period is from October 1, 1983 through September 30, 1984. The selected consultants will be paid $22,000 to $28,000 depending on qualifications. The project has the potential of being renewed for two additional years. A copy of the Request for Proposals may be obtained from:

Toni Lippert, Manager
Developmental Disabilities Program
Metropolitan Council
300 Metro Square
St. Paul, Minn. 55101
Tel. (612) 291-6364

Minnesota Historical Society

Notice of Availability of Contract for Services for a Historic Preservation Survey

It is anticipated that the Minnesota Historical Society will require the services of a qualified contractor or consultant to conduct a State Historic Preservation survey of historic state-owned buildings.

The scope of the work will include updating the inventory of historic state-owned buildings, completing evaluations of significant structures, and developing a strategy for promoting the preservation of those structures deemed most significant. Work may also include writing *National Register* nominations for some structures.

The period of the contract will be from approximately November 1-June 30, 1984.

The monthly minimum will be approximately $1,623.00.

Requirements:

1. B.A. in history, historic preservation, architectural history, or closely related field and knowledge of Minnesota history.

2. A valid Minnesota Driver's license.

3. Demonstrated experience in the survey and evaluation of cultural resources. Documentation of evaluation experience should include a description of the kinds of resources evaluated and the specific nature of the evaluation applied to them.

4. Successful experience in completing a *National Register* nomination form as demonstrated by a completed form for a property that has been placed on the *Register* within the last five years.

The contractor or consultant will work a 40-hour week under the Assistant State Historic Preservation Officer. Some travel will be required.

Send resume, documentation of experience, references, and sample of *National Register* nomination to Gloria A. Thompson, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 by September 12, 1983.

Department of Public Safety
Office of Public Information

Notice of Availability of Television Public Service Filming Contract

The Department of Public Safety is seeking proposals for filming and producing four 30-second television public service announcements to increase Minnesota citizens' knowledge about public safety. Details of the plan for filming and production of the public service announcements are contained in a Request for Proposal. Copies of the Request for Proposal may be obtained at the Department of Public Safety, Office of Public Information, 318 Transportation Building, St. Paul, MN 55155.

Estimated cost of the contract is $8,000.

Final date for requesting the RFP is September 9, 1983.

Department of Transportation
Technical Services Division

Notice of Availability of a Contract for Preliminary Engineering—Environmental Study and Detail Design

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified consultant to perform an environmental impact study; and to perform design and prepare construction plans for an approximate 17 mile segment of Trunk Highway 169 between Grand Rapids and Pengilly.

Firms desiring consideration shall express their interest and submit their current Federal Forms 254 and 255 and/or their brochure by twelve o'clock (12:00) midnight September 6, 1983.

This is not a request for proposal. Please send your response to:

B. E. McCarthy
Consultant Services Engineer
Transportation Building—Room 612B
St. Paul, Minnesota 55155
Telephone (612) 296-3051

Department of Transportation
Operations Division

Notice of Availability of Contract for Supportive Services Contractor

The Minnesota Department of Transportation (Mn/DOT) is seeking a qualified individual or organization to provide supportive services support to the On-the-Job Training Program, sponsored by the Federal Highway Administration (FHWA). This contractor will be responsible for locating, recruiting, and monitoring the hiring and training of skilled and unskilled people in the construction field, with particular emphasis on minorities and females. The contractor will be responsible for providing monthly and annual reports as to the accomplishments under the contract conditions, as prescribed in the *Federal Highway Program Manual 6-4-1-2*. This is not a request for a proposal. Those interested in being considered should send a response and resume no later than August 28, 1983, to:

B. E. McCarthy
Consultant Services Engineer
612B Transportation Building
St. Paul, Minnesota 55155
Telephone: 612/296-3051

The estimated cost for providing supportive services will not exceed a total cost to the state of $60,000. The services under this contract must be completed between October 1, 1983, and September 30, 1984.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Administration Procurement Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Administration of the Buy Minnesota Legislation

Notice is hereby given that the State Department of Administration is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the administration of the Buy Minnesota legislation. The promulgation of these rules is authorized by Minn. Stat. § 16.05, which empowers the Commissioner of Administration to make and amend rules and regulations, not inconsistent with law, respecting any matter within the scope of the powers and duties conferred by §§ 16.01 to 16.23.

The State Department of Administration requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements, information or comments orally or in writing. Written statements should be addressed to:

Mr. James Weyandt
Director
Department of Administration
Division of Procurement
Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at 296-2600 and in person at the above address.

All statements of information and comments shall be accepted until September 30, 1983. Any written material received by the State Department of Administration shall become part of the record in the event that the rules are promulgated.

Sandra J. Hale
Commissioner of Administration

Department of Commerce Financial Institutions Division

Notice of Intent to Solicit Outside Opinion Concerning Amendments to Rules Governing the Operation of Credit Unions

Notice is hereby given that the Minnesota Department of Commerce, Division of Financial Institutions, is soliciting information and opinions from sources outside the agency and is preparing to promulgate amendments to existing rules relating to credit unions. Minn. Rules BD 135-149 are to be reviewed for any necessary or desirable modifications, with a particular view toward removing burdensome or unnecessary requirements.

The Commerce Department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Allyn R. Long, Assistant Commissioner
Division of Financial Institutions
500 Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 297-2750

All statements of information and comment shall be accepted until September 22, 1983. Any written material received by the Division of Financial Institutions shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Economic Security

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Minnesota Energy Assistance Program

Notice is hereby given that the Department of Economic Security is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the administration of the Low Income Home Energy Assistance Act (Title XXVI of the Omnibus Budget Reconciliation Act of 1981). The Department of Economic Security has been designated by Executive Order of the Governor (Executive Order No. 83-10) as the grantee of record for the federal Low Income Home Energy Assistance Block Grant. The department is authorized to promulgate rules under Minn. Stat. § 268.021 enacted by Minnesota Laws 1983, Chapter 268.

The Minnesota Department of Economic Security requests information or comments concerning the subject matter of these rules. Interested or affected persons or groups may submit written statements to:

R. Jane Brown, Director
Minnesota Energy Assistance Program
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral comments or information concerning the subject matter will be accepted at public hearings being held throughout the state regarding the Proposed Plan for the Minnesota Energy Assistance Program—1984. Persons or interested groups wishing to make oral comments may attend any of the public hearings as published in the August 8, 1983 issue of the *State Register* (pages 206 and 207). Notice is given that the hearings scheduled for St. Paul on September 1, 1983 will be held at 2-4 & 7-9 p.m. and not as published.

Statements of information and comments will be accepted until September 7, 1983. Any written material or oral presentation received by the Department of Economic Security shall become part of the record in the event that rules are promulgated.

Ethical Practices Board Advisory Opinion #84

Approved by the Ethical Practices Board on August 11, 1983

Issued to:

Hon. Mark Andrew
Hennepin County Commissioner
Board of Hennepin County Commissioners
2400 Government Center
Minneapolis, MN 55487

RE: Hennepin County Disclosure

Summary

84. Contributions to and payments from a legal defense fund are not subject to the registration and reporting requirements of Minn. Laws 1980, Chapter 362.

The full text of the opinion is available upon request from the office of the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.

State Board of Medical Examiners

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Regulating Advertising by Physicians and Osteopaths

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which will establish regulatory standards for those physicians and osteopaths seeking to advertise. The rules establish standards and prohibitions for advertising, the responsibilities the physician must assume in advertising, and the penalties for not complying with this rule.

The proposed rule is authorized by Minnesota Statutes § 147.021, which prohibits any misleading, deceptive, or fraudulent representations in the practice of medicine; physicians promoting that they have superior skills; or advertising any positive cure of a disease.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 S.E. Delaware Street, Suite 352
Minneapolis, Minnesota 55414

All statements of information and comments must be received by October 1, 1983.

Arthur W. Poore
Executive Secretary

Metropolitan Council

1984 Work Program and Budget

Notice of Public Hearing

The Metropolitan Council will hold a public hearing Monday, September 12, at 5 p.m. in the Council Chambers, 300 Metro Square Building, 7th and Robert Sts., St. Paul, Minn. 55101, on its proposed work program and budget for 1984. The council must decide on the work program and budget, and the amount that must be raised from property taxes to support the budget, by October 1. All interested people are encouraged to attend the hearing and offer comments. People may register to speak in advance by contacting Shirlee Smith of the council's communications staff at 291-6421. Questions on the proposed budget should be directed to Alan Morris of the council's budget staff, at 291-6446. Copies of the Proposed 1984 Work Program and Budget are available free of charge from the council's Communications Department, at 291-6464. Copies are also available for public inspection beginning Aug. 15 at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul

Minneapolis Public Library
Government Documents Room
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Gerald J. Isaacs, Chair
Metropolitan Council

Public Utilities Commission

Notice of Intent to Solicit Outside Opinion Regarding Amendments to Existing Rules Governing Cogeneration and Small Power Production

Notice is hereby given that the Minnesota Public Utilities Commission (commission) is seeking information or opinion from sources outside the agency in preparing to promulgate amendments to its rules governing cogeneration and small power production (4 MCAR §§ 3.0450-3.0462). The amendment of these rules is authorized by Minn. Stat. § 216B.08 (1982) and § 216B.164, as amended by Minn. Laws 1983, ch. 301, §§ 166-171. The latter section specifically authorizes the commission to promulgate rules applicable to transactions between cogeneration and small power production facilities and electric utilities.

The commission requests information and comments concerning the need for and nature of possible amendments to these rules. Certain amendments, including the adoption of a uniform statewide form of contract for use between utilities and a qualifying facility having less than 40 kilowatt capacity, are necessitated by amendments to Minn. Stat. § 216B.164 adopted in the 1983 session of the Minnesota Legislature. Pursuant to authority found in those amendments, the commission has proposed temporary rules amending the existing cogeneration rules. The temporary rules were published in the *State Register* of July 25, 1983, at page 103. The commission is contemplating proposing permanent rules that are similar to the temporary rules found there. The commission thus intends to consider comments upon the temporary rules as well as comments submitted in response to this notice in proposing permanent cogeneration rules.

Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Randall D. Young
Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral comments, suggestions or questions will be received during regular business hours over the telephone by Stuart Mitchell at (612) 296-8662 or Paul Schweizer at (612) 296-7125 and in person at the above address.

All statements of information, comment and suggestion shall be received until September 30, 1983. Any written material received by the commission shall become part of the record in the event that any amendments to the rules are proposed for adoption.

Public Utilities Commission

Notice of Intent to Solicit Outside Opinion Regarding Amendments to Existing Rules Governing Automatic Adjustment Charges

Notice is hereby given that the Minnesota Public Utilities Commission (commission) is seeking information or opinion from sources outside the agency in preparing to propose amendments to its rules governing automatic adjustment charges (PSC 390-399). The authority to adopt and amend these rules is found in Minn. Stat. §§ 216B.03, 216B.05, 216B.08, 216B.09, and 216B.16, subd. 7. The latter section specifically authorizes the commission to permit utilities to file rate schedules containing provisions for the automatic adjustment of charges for retail utility service in direct relation to changes in federally regulated wholesale rates for energy delivered to interstate facilities or fuel used in the generation of electricity or the manufacture of gas.

The commission requests additional information and comments concerning the need for and nature of possible amendments to its existing rules. In response to a previous solicitation published at 7 S.R. 1000 (December 27, 1982), the commission has drafted certain proposed changes, which are found in Appendix A to this notice. Interested or affected persons or groups may submit statements of information or comment orally or in writing on these proposed changes as well as submit additional changes that such persons wish the commission to consider.

Written statements should be addressed to:

Randall D. Young
Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral comments, suggestions or questions will be received during regular business hours over the telephone by Harold Nicholson at (612) 296-7105 and in person at the above address.

All statements of information and comments shall be received until September 15, 1983. Any written material received by the Commission shall become part of the record in the event that any amendments to the rules are proposed for adoption.

Proposed Changes to Automatic Adjustment of Charges (PSC Rules 390-395)

PSC 390 Definitions. For the purpose of rules 390-395, the following definitions shall apply:

A. "Annual sales volume" is the sum of the Mcf, ~~or~~ Ccf or Btu of gas delivered during the most recent 12 months of the 14 month period preceding a change in the city gas rate or end of the heating season for which actual data is available.

B. "Annual demand sales volume" is the annual sales volume adjusted by an average percentage change in sales computed over the preceding ~~3~~ 4 year period, normalized for weather. Annual demand sales volume shall include interruptible sales to the extent that demand cost is incurred to service interruptible customers.

C. "Base cost" is the cost of fuel consumed in the manufacture of gas or generation of electricity and purchased gas or purchased power in the base period expressed as a cost per kilowatt hour sold or cost per Mcf, ~~or~~ Ccf or Btu sold.

D. "Base period" is the 12 month period during which the automatic adjustment of charges is set at zero.

E. "City gate rate" is the demand or commodity rate charged a distribution gas utility by its supplier. It refers to the cost of gas at the point at which the distribution utility takes title to the gas.

F. "Cost of energy purchased" is the cost of purchased power and net interchange defined by the Minnesota Uniform System of Accounts—Class A and B electric utilities, Account 555 and purchased under federally regulated wholesale rates for energy delivered through interstate facilities. All electric public utilities shall use this definition regardless of class.

G. "Cost of fuel consumed in the generation of electricity" is the cost of fossil and nuclear fuel.

H. "Cost of fossil fuel" is the current period withdrawals from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B utilities. All electric public utilities shall use this definition regardless of class.

G. "Cost of fuel consumed in the generation of electricity" is the cost of fossil and nuclear fuel.

H. "Cost of fossil fuel" is the current period withdrawals from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B utilities. All electric public utilities shall use this definition regardless of class.

I. "Cost of nuclear fuel" is the current period charges and credits to Account 518, of the Minnesota Uniform System of

Accounts—Class A and B electric utilities excluding any expenses for the cost of fossil fuel. All electric public utilities shall use this definition regardless of class.

J. "Cost of fuel consumed in the manufacture of gas" is the withdrawals, during the heating season, from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B gas utilities. All gas public utilities shall use this definition regardless of class.

K. "Cost of purchased gas" is the cost of gas as defined by the Minnesota Uniform System of Accounts—Class A and B gas utilities, Account 804, 808 and 809 and purchased under federally regulated wholesale rates for energy delivered through interstate facilities. All gas public utilities shall use this definition regardless of class.

L. "Current period" is the most recent ~~two~~ three month moving average used by electric utilities in computing an automatic adjustment of charges. Upon approval of the commission, a self billing utility may use a longer period, not to exceed 12 months, provided that the provision contains a settlement procedure. ~~All electric utilities shall use this definition.~~

M. "Heating season" is the period from October 1 to April 30.

N. "Kilowatt-hour sales" is the kilowatt-hour delivered during the current or base period less interchange sales. This is the divisor used to obtain current period cost and base period cost per Kwh in PSC 392 B.

O. "Prime interest rate" means the average of the daily prime lending rates offered to preferred customers at the largest bank in the Ninth Federal Reserve District during the period. The largest bank is that bank with the greatest total outstanding deposits as of the end of the calendar year preceding the notice of change in rates.

P. "Public utilities" is as defined by Section 2, Subdivision 4 of the Minnesota Public Utilities Act.

PSC 391 Applicability and types of automatic adjustment of charges.

A. The commission shall permit the filing of rate schedules containing provisions for the automatic adjustment of charges provided such provisions conform to PSC 392-395.

B. PSC 390-395 shall be applicable to all classes of public utilities.

C. Provisions for automatic adjustment of charges shall encompass:

1. Changes in cost resulting from changes in the federally regulated wholesale rate for energy purchased and changes in the cost of fuel consumed in the generation of electricity. This provision is entitled electric energy adjustment.

2. Changes in cost resulting from changes in the federally regulated wholesale rate for purchased gas and changes in the cost of fuel consumed in the manufacture of gas. This provision is entitled purchased gas adjustment.

PSC 392 Electric energy adjustment. The computations of the automatic adjustment to charges shall conform to the procedures set forth below:

A. The amount of the billing period adjustment to charges shall be determined by extending Kwh of sales in the billing period by an adjustment per Kwh. The adjustment per Kwh or the amount of the adjustment shall be stated on the customer's bill to comply with PSC 313.

B. The adjustment per Kwh shall be the sum of the current period cost of energy purchased and cost of fuel consumed per Kwh less the base cost per Kwh.

C. The adjustment of charges shall be made in the next complete billing period succeeding the determination of the adjustment per Kwh provided the adjustment has been filed as defined by PSC 394 B. The adjustment factor shall be calculated monthly~~.~~, Eexcept~~,~~ that upon commission approval, a self billing utility may calculate the adjustment less frequently but at least annually and must provide for a settlement procedure. The adjustment must be applied each month. The adjustment amount shall be rounded such that the projected recovery is within 2% of the change in total cost.

PSC 393 Purchase gas adjustment provision. The computation of the automatic adjustment to charges shall conform to the procedures set forth below:

A. The amount of the billing period adjustment to charges shall be determined by extending Mcf, ~~or~~ Ccf or Btu sales in the billing period by an adjustment per Mcf, ~~or~~ Ccf or Btu. The adjustment per Mcf, ~~or~~ Ccf or Btu or the amount of the adjustment shall be stated on the customer's bill to comply with PSC 313.

B. The adjustment per Mcf, ~~or~~ Ccf or Btu is the sum of the commodity adjustment, demand adjustment and manufactured gas adjustment as computed below:

1. The commodity adjustment is the difference between the commodity cost which results from a change in the city gate rate and the commodity base cost. To properly reflect adjustment per Mcf, ~~or~~ Ccf or Btu billed, the divisor for a particular class

of customer must include total sales volume delivered to that class of customer. The adjustment shall be applied to billings after the effective date of the commodity rate change provided the adjustment has been filed as defined by PSC 394 B.

2. The demand adjustment is the difference between the annual demand cost which results from a change in the city gate rate and the demand base cost. In the event the demand city gate rate does not change the demand adjustment shall be recalculated for each 12 month period from the date of the last change. The adjustment shall be computed on the basis of annual demand sales volume and applied to billings after the effective date of the demand rate change provided the adjustment has been filed as defined by PSC 394 B.

3. The manufactured gas adjustment is the difference between the cost of propane and other fuel consumed in the manufacture of gas during the heating season and the manufactured gas base cost. The manufactured gas adjustment shall be computed annually for the heating season ending April 30 of each year on the basis of firm annual sales volume adjusted to the extent manufactured gas is used to serve interruptible customers. The cost of manufactured gas shall be applied to interruptible customers. The adjustment shall be applied to billings during the next 12 month period commencing on June 1 of each year provided the adjustment has been filed as defined by PSC 394 B.

C. Refunds and interest thereon received from the suppliers of purchased gas which are attributable to the cost of gas previously sold shall be refunded by credits to bills or check within a period not to exceed ~~12 months~~ 90 days from the date the refund is received from a supplier, provided the refund amount per customer is equal to or greater than $.01. Upon approval of the commission, refunds of less than $.01 per customer may be retained by the utility and separately accounted for until such time as the balance, together with additional supplier refunds, would produce a refund of $.01 or more per customer. Refunds shall be made to each customer class on the same basis as previously charged to customers. The utility shall add interest to any unrefunded balance at the prime interest rate.

PSC 394 Filing requirements and approvals electric energy and purchase gas adjustments.

A. All public utilities shall file annually on ~~October 31~~ August 1 of each year, the procurement policies for selecting sources of fuel and energy purchased and dispatching policies, if applicable, and a summary of actions taken to minimize cost.

B. Whenever a public utility changes its automatic adjustment of charges, the utility shall prior to effective date, file the following:

1. A summary of the computation of the adjustment.

2. An explanation of significant changes between the base cost and current cost. Changes for electric utilities shall be quantified as to price, mix, thermal efficiency and distribution loss. Changes for gas utilities shall be quantified as to price and mix changes.

3. A computation of standard cost for the current reporting period, if available. The standard cost for this computation may be either the planned or budgeted cost of fuel or simulation of the cost of fuel under normal operating and purchasing limits for the adjustment period or current period.

C. Automatic adjustment of charges shall be provisionally approved and may be placed into effect without commission action, but subject to the conditions specified in PSC 394 D and E.

D. Errors made in adjustment must be refunded by check or credits to bills to the consumer in an amount not to exceed the amount of the error plus interest computed at the prime rate upon the order of the commission provided that:

1. Such order is served within 90 days after the receipt of the filing defined in rule PSC 394 B or at the end of the next major rate proceeding, which ever is later.

2. The amount of the error is greater than 5% of the corrected adjustment charge.

E. The commission may upon complaint or upon its own motion, after appropriate investigation, notice and hearing, issue an order to fix at current levels, discontinue or modify an automatic adjustment provision for an individual utility.

F. By August 1 of each year, all gas and electric utilities shall:

1. Submit to the commission an annual reporting by billing cycle of all automatic adjustment charges for each customer class for the prior year commencing July 1 and ending June 30. This report shall include the:

a. Commission approved base coat of fuel or gas.

b. adjustment units charged customers from each type of energy cost; i.e., (nuclear, coal, purchased power, demand, commodity, manufactured gas, Btu, volumetric, Therms, Dekatherms).

c. adjustment units, by gas supplier, which were used to bill the utility during the reporting period.

d. total cost of fuel or gas delivered to customers.

e. revenues collected from customers for energy delivered.

f. amount of supplier refunds received as defined by PSC 393 C.

g. amount of refunds credited to customers.

2. Submit to the commission an independent auditor's report evaluating all accounting for automatic adjustments for the prior year commencing July 1 and ending June 30.

3. Submit to the commission a one year and a five year projection of fuel and gas costs by month by energy source.

4. Provide a copy of the reports defined in PSC 394 A and F to all intervenors in the prior two general rate cases.

PSC 395 Implementation.

A. Existing automatic adjustment provisions in effect on the effective date of these rules which will not result in adjustment amounts materially greater than those determined by PSC 390 to 395 shall continue in effect until the commission upon its own motion or upon complaint, after appropriate notice and hearing, shall order otherwise.

B. Adjustments made pursuant to automatic adjustment provisions in effect on the effective date of these rules which may result in adjustment amounts materially greater than those determined by PSC 390 to 395 shall be frozen by the utility at the level of charges in effect at the effective date of PSC 390 to 395. The existing level of any such automatic adjustments shall, on the effective date of PSC 390 to 395, be submitted to the Department of Public Service within 30 days.

C. When a utility proposes new or revised electric energy or purchased gas adjustment provisions, the proposal shall be deemed a change in rates and reviewed according to commission rules and practices relating to utility rate changes.

D. If existing automatic adjustments of charges are continued under the provision of PSC 395 A then the filing requirements of PSC 394 B shall apply.

PSC 396-399 Reserved for future use.

Errata

At 8 S.R. 206-207, Department of Economic Security Notice of Public Comment Period and Hearing on Proposed State Plan for the Minnesota Energy Assistance Program—1984, the time of the St. Paul meeting is incorrectly given as 2-3 & 7-9 p.m. The correct time for that meeting is 2-4 & 7-9 p.m.

STATE OF MINNESOTA

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STATE OF MINNESOTA

DEPARTMENT OF REVENUE

INCOME TAX DIVISION

IN THE MATTER of the Proposed
Repeal of an Income Tax Rule
of the Department of Revenue
Relating to Individual Housing
Accounts (13 MCAR Section 1.6016)

STATEMENT OF NEED
AND REASONABLENESS

This document has been prepared as a verbatim affirmative presentation of the facts necessary to establish the statutory authority, need for and reasonableness of the proposed repeal of 13 MCAR Section 1.6016, Individual Housing Accounts. It is submitted pursuant to Minnesota Statutes, Section 14.23, which requires that the agency prepare a Statement of Need and Reasonableness which shall be available to the public.

Authority to Repeal the Rules

Minnesota Statutes, Section 290.52 gives the Commissioner authority to establish rules for the income tax law. Implicit in the authority to establish rules is the ability to repeal unneeded rules.

Rule Repealer

13 MCAR Section 1.6016 deals with Individual Housing Accounts. The authority for the rule was contained in Minnesota Statutes, Section 290.08, subdivision 25. Minnesota Statutes, Section 290.08, subdivision 25 was repealed by the legislature in the 1983 Omnibus Tax Bill, Laws 1983, Chapter 342, Article I, Section 44. The repeal of Minnesota Statutes, Section 290.08, subdivision 25 was made effective for taxable years beginning after December 31, 1982. Therefore, it is proposed that it is both reasonable and necessary that the rule be repealed.

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

INCOME TAX DIVISION

In the Matter of the Proposed Repeal of an Income Tax Rule of the Department of Revenue Relating to Individual Housing Accounts (13 MCAR Section 1.6016).

Statement of Compliance With Rulemaking Procedures

I, John P. Malach, Jr., Income Tax Attorney, do hereby declare that I have examined the 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. There are no exceptions.

John P. Malach, Jr.

Dated: September 30, 1983