

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 5103

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-18-83
DATE FOR REVIEW 10-27-83
DATE DUE 11-1-83

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

Approved 10-28-83 mjs ✓ Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 10-19-83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.14.83 Date (miscitation to APA section).

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 miscitation to APA section

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

✓ Mailing list Certificate

✓ Publication in State Register
9.12.83 At least 30/~~20~~ days prior to ~~hearing~~/adoption
(contains same miscitation as in mailed notice)

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

✓ Affidavit of Mailing Notice of Submission to Attorney General

? Notice of Submission to the Attorney General
incorrectly states AG Review period

SF-00006-03

DEPARTMENT: EMPLOYEE RELATIONS - 3RD FLOOR
SPACE CENTER BUILDING

STATE OF MINNESOTA

Office Memorandum

TO: Mike Miles
Special Assistant Attorney General

DATE: 10/14/83

FROM: Mark Sundquist, Manager
Training and Development

PHONE: 296-8933

RECEIVED
OCT 18 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SUBJECT: Proposed Personnel Rules

Attached is the pack of information on Personnel Rules that we are promulgating without a hearing. This material is ready for legal review by the Attorney General and includes the following:

1. Rule as Adopted (4 copies).
2. Order for Adopting (2 copies) -- Attorney General's Exhibit H-2.
3. Notice of Intent to Solicit Opinion -- Attorney General's Exhibit A.
4. Order of Notice Adopting Rule -- Attorney General's Exhibit B-2.
5. Notice of Intent to Adopt -- Attorney General's Exhibit D-2.
6. Affidavit of Mailing -- Attorney General's Exhibit F.
7. Mailing List Certificate -- Attorney General's Exhibit E.
8. Rule as Adopted -- Copy of the October 4 State Register.
9. Statement of Need and Reasonableness.
10. Written Comments for Rules and Requests for Hearing.
11. Certificate of Compliance with Rule -- Attorney General's Exhibit J.
12. Affidavit of Mailing Notice -- Attorney General's Exhibit K and L.

MS:cm

Attachment

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA
Office Memorandum

TO : NINA ROTHCHILD, Commissioner DATE: 10/28/83
Attn: STEVE GUNN, Special Assistant Attorney General

FROM : MARTHA J. CASSERLY MJC PHONE: 296-4347
Special Assistant
Attorney General

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Employee Relations Governing the State Personnel System 2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409 and 2.413.

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

AG copy

Department of Employee Relations

Adopted Rules Governing the State Personnel System (2 MCAR SS 2.225; 2.2301; 2.303; 2.406; 2.409 and 2.413)

Rules as Adopted

2 MCAR S 2.303 Definitions.

A.-K. [Unchanged.]

L. "Handicapped" means any person who:

1. has a physical or mental impairment which substantially limits one or more major life activities;

2. has a record of such an impairment; or

3. is regarded as having such an impairment. by whom ?

"Handicapped" does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question or whose employment, by reason of the current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

L.-T. [Reletter as M.-U.]

2 MCAR S 2.406 Collecting and remitting tax.

A. [Unchanged.]

B. Schedule. After the reporting unit has provided the matching amount, the total social security contribution must be remitted to the state agency for credit to the social security contributions fund in accordance with the following schedule:

1. Effective with wages paid after December 31, 1983, social security contributions due on wages paid during the period from the first day through the 15th day of each calendar month must be forwarded to the state agency on or before the 20th day of the month. The remittance must be postmarked not later than the 20th day of that month. Social security contributions due on wages paid during the period beginning with the 16th day of each calendar month and ending with the last day of that calendar month must be forwarded to the state agency on

or before the fifth day of the following calendar month. The remittance must be postmarked not later than the fifth day of the following month.

2.-4. [Unchanged.]

5. If any contribution payment is not received by the state agency within the deadlines specified in 1., the state agency shall charge interest to the reporting unit. The interest assessment must be the same rate of interest charged the state by the Social Security Administration applied to the contributions due for each month or part of a month from the due date, but in no case may the interest charge be less than $5.

2 MCAR S 2.409 Reporting unit's failure to pay state agency.

If a reporting unit fails to make the social security contribution payments required by law and this chapter, the state agency may recover by bringing action in a court of competent jurisdiction against every political subdivision liable for payments. The state agency may recover either the delinquent payments due with interest at the rate established in 2 MCAR S 2.406 B.5. or the minimum penalty established by this chapter, whichever is greater. Alternatively, at the state agency's request, the delinquent payments may be deducted from any other money payable to the political subdivision by any department or agency of the state.

2 MCAR S 2.413 Quarterly reports before 1981.

A.-E. [Unchanged.]

F. Interest on overdue reports. If any quarterly report is not received by the state agency within the respective established deadlines, interest will be charged to the reporting unit at the rate established in 2 MCAR S 2.406 B.5. on reportable contributions for each month or part of a month from the date due, but the interest charge or penalty shall not be less than $5.

Repealer. Rules 2 MCAR SS 2.225 and 2.2301 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV - 1 1983
Joan Anderson Growe
Secretary of State

10:05 A.M.

APPROVED AS TO FORM AND LEGALITY
October 28 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J Cassell
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

2 MCAR S 2.303 Definitions.

A.-K. [Unchanged.]

L. "Handicapped" means any person who:

1. has a physical or mental impairment which substantially limits one or more major life activities;

2. has a record of such an impairment; or

3. is regarded as having such an impairment.

"Handicapped" does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question or whose employment, by reason of the current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

L.-T. [Reletter as M.-U.]

2 MCAR S 2.406 Collecting and remitting tax.

A. [Unchanged.]

B. Schedule. After the reporting unit has provided the matching amount, the total social security contribution must be remitted to the state agency for credit to the social security contributions fund in accordance with the following schedule:

1. ~~For each month, the social security contributions due on the wages paid must be forwarded to the state agency within the 15 day period following the end of each month beginning with July 1980. If the last day of the 15 day period is a legal holiday or a nonwork day, the social security contribution payment is due on the next work day~~ Effective with wages paid after December 31, 1983, social security contributions due on wages paid during the period from the first day through the 15th day of each calendar month must be forwarded to the state agency on or before the 20th day of the month. The remittance must be postmarked not later than the 20th day of that month. Social security contributions due on wages paid during the period beginning with the 16th day of each calendar month and ending with the last day of that calendar month must be forwarded to

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the state agency on or before the fifth day of the following calendar month. The remittance must be postmarked not later than the fifth day of the following month.

2.-4. [Unchanged.]

5. If any ~~monthly~~ contribution payment is not received by the state agency within the deadlines specified in 1., the state agency shall charge interest to the reporting unit. The interest ~~rate~~ assessment must be ~~six-percent-a-year-on~~ the same rate of interest charged the state by the Social Security Administration applied to the contributions due for each month or part of a month from the due date, but in no case may the interest charge be less than $5.

2 MCAR S 2.409 Reporting unit's failure to pay state agency.

If a reporting unit fails to make the social security contribution payments required by law and this chapter, the state agency may recover by bringing action in a court of competent jurisdiction against every political subdivision liable for payments. The state agency may recover either the delinquent payments due with interest ~~of-six-percent-a-year~~ at the rate established in 2 MCAR S 2.406 B.5. or the minimum penalty established by this chapter, whichever is greater. Alternatively, at the state agency's request, the delinquent payments may be deducted from any other money payable to the political subdivision by any department or agency of the state.

2 MCAR S 2.413 Quarterly reports before 1981.

A.-E. [Unchanged.]

F. Interest on overdue reports. If any quarterly report is not received by the state agency within the respective established deadlines, interest will be charged to the reporting unit at the rate ~~of-six-percent-a-year~~ established in 2 MCAR S 2.406 B.5. on reportable contributions for each month or part of a month from the date due, but the interest charge or penalty shall not be less than $5.

Repealer. Rules 2 MCAR SS 2.225 and 2.2301 are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD408

Agency: Department of Employee Relations

Division:

Agency Contact: Mark Sundquist 296-8933

Rule Numbers: 2 MCAR SS 2.303; 2.406; 2.413

Title: Rules Governing State Employees; Personnel Rules

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

John C. Fuller
Assistant Deputy Revisor
Phone: 296-0955
Date: August 19, 1983

STATE OF MINNESOTA

DEPARTMENT OF EMPLOYEE RELATIONS

In the Matter of the Proposed Adoption
of Rules of the State Department of Employee Relations Governing the State Personnel System
2 MCAR 2.225; 2.301; 2.303; 2.406;
2.409 and 2.413.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on September 12, 1983 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 5.0412, subdivision 4 on September 9, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules governing the State Personnel System 2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409; and 2.413 are adopted this 14th day of October, 1983, pursuant to authority vested in me by Minnesota Statutes section 43A.04, Subd. 3.

STATE OF MINNESOTA

Nina Rothchild

Nina Rothchild
COMMISSIONER OF EMPLOYEE RELATIONS

STATE OF MINNESOTA

DEPARTMENT OF EMPLOYEE RELATIONS

In the Matter of the Proposed Adoption of Rules of the State Department of Employee Relations Governing the State Personnel System 2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409 and 2.413.	ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 12th day of September, 1983 that a Notice of Intent to Adopt Rules Without Public Hearing in the above entitled matter be given to all persons who have registered their names with the State Department of Employee Relations for that purpose and be published in the State Register.

STATE OF MINNESOTA

Nina Rothchild
COMMISSIONER OF EMPLOYEE RELATIONS

Department of Employee Relations

In the Matter of the Proposed Adoption of Rules of the State Department of Employee Relations Governing the State Personnel System 2 MCAR §§ 2.225; 2.2301; 2.303; 2.406; 2.409 and 2.413.

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Department of Employee Relations proposes to adopt the above-entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 5.0412, subdivision 4-4f.

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

Mark L. Sundquist
3rd Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
296-8933

Authority for the adoption of these rules is contained in Minnesota Statutes section 43A.04, Subd. 3. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Mark Sundquist upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to 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 rules as proposed for adoption, should submit a written statement of such request to Mark Sundquist.

The rules proposed for adoption relate to the following matters: 2 MCAR § 2.225 is being repealed; the definition of Handicapped as stated in 2 MCAR § 2.225 is being incorporated into 2 MCAR § 2.303; 2 MCAR § 2.301 is being repealed because it is obsolete; 2 MCAR §§ 2.406, 2.409 and 2.413 are being revised to conform with Federal Social Security laws. A copy of the proposed rules is attached to this Notice.

STATE OF MINNESOTA

Nina Rothchild

NINA ROTHCHILD
COMMISSIONER OF EMPLOYEE RELATIONS

Rules as Proposed

2 MCAR S 2.303 Definitions.

A.-K. [Unchanged.]

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1. has a physical or mental impairment which substantially limits one or more major life activities;

2. has a record of such an impairment; or

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L.-T. [Reletter as M.-U.]

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A. [Unchanged.]

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

the state agency on or before the fifth day of the following calendar month. The remittance must be postmarked not later than the fifth day of the following month.

2.-4. [Unchanged.]

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A.-E. [Unchanged.]

F. Interest on overdue reports. If any quarterly report is not received by the state agency within the respective established deadlines, interest will be charged to the reporting unit at the rate ~~of-six-percent-a-year~~ established in 2 MCAR S 2.406 B.5. on reportable contributions for each month or part of a month from the date due, but the interest charge or penalty shall not be less than $5.

Repealer. Rules 2 MCAR SS 2.225 and 2.2301 are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

In the Matter of the Proposed Adoption of Rules of the State Department of Employee Relations Governing the State Personnel System 2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409 and 2.413.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, Jean Brezinski, being first duly sworn deposes and say:

That on the 9th day of September, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names by placed on File with the State Department of Employee Relations for the purpose of receiving notice of the proposed adoption of rules by this agency.

Jean Brezinski
Jean Brezinski

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

Wendy J. Olson

WENDY J. OLSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES AUGUST 1, 1990

STATE OF MINESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the State Department of Employee Relations Governing the State Personnel System 2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409 and 2.413.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Employee Relations for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 9:00 A.M., this 9th day of September, 1983.

Jean Brezinski

Jean Brezinski

OFFICIAL

AGENCY RULEMAKING NOTICE LIST

Mary Anderson
Workers Com. Court of Appeals
212 MEA Building
55 Sherburne Avenue
St. Paul, MN 55103

Lewis Bailey
Business Agent
MAPE
55 Sherburne Avenue
St. Paul, MN 55103

Kathy Burek
Executive Director, LCRAR
Room 430
State Office Building
St. Paul, MN 55155

Council for the Handicapped
Room 208
Metro Square Building
7th & Robert Streets
St. Paul, MN 55101

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

Donn H. Escher
Director of Personnel
Department of Education
7th Floor, Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101

Kent E. Eklund, Commissioner
Department of Energy, Planning
and Development
101 Capitol Square
550 Cedar Street
St. Paul, MN 55101

Martin Garden
Law Offices of Martin Garden
1512 First Bank Place West
120 S. 6th Street
Minneapolis, MN 55402

David Hoiland, Director
Legal Advocate for the Blind
389S Griggs-Midway Bldg.
1821 University Ave.
St. Paul, MN 55104

Cathy Johnson
Oak Terrace Nursing Home
Minnetonka, MN 55343

R. J. Lavell, Deputy Comm.
Department of Veterans Affairs
Veterans Service Bldg., 2nd Floor
20 West 12th Street
St. Paul, MN 55155

Lois E. Mizuno
Executive Secretary
MN Board of Psychology
717 Delaware Street SE, Room 343
Minneapolis, MN 55414

Peter S. Popovich
Professional Association
314 Minnesota Bldg.
St. Paul, MN 55101

Robert F. Rosenthal
Rochester State Hospital
Hospital Administrator
2110 East Center Street
Rochester, MN 55901

Yvonne Ross, Personnel Director
Department of Energy, Planning
and Development
101 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101

Bruce Rowe, Administrator
Community Health Services Board
325 Lake Ave. So., Suite 604
Duluth, MN 55802

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Bldg.
310 South 4th Avenue
Mpls., MN 55415

Charles Schaffer, Director
Program of Business Information
Department of Energy, Planning
and Development
480 Cedar Street
St. Paul, MN 55101

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

Mack R. Sirois
Director of Personnel
Mpls. Public Schools
807 Northeast Broadway
Minneapolis, MN 55413

Mary Stanton
Staff Associate/Finance
State University System
407 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101

Dale G. Swanson
Suite 113, Professional Bldg.
1068 South Lake Street
Forest Lake, MN 55025

DISCRETIONARY

Exec. Secretary
Investment Board
105 MEA Bldg.
IO

Personnel Director
Dept. of Labor & Industry
5th Fl., Space Ctr. Bldg.
IO

Director
Mediation Services
205 Aurora Avenue
IO

Executive Secretary
Bd. of Medical Exam
717 Delaware St. S.E.
IO

Dep. Legislative Auditor
Legislative Audit Comm.
1st Fl., Vets Service Bldg.
IO

Legislative Ref. Lib.
Rm. 111, St. Capitol Bldg.
IO

Exec. Director
MN. Wisc. Boundary Area Co
619 2nd Street
Hudson, Wisconsin 54016

Asst. Exec. Secretary
Municipal Board
Rm. 165, Metro Sq. Bldg.
IO

Exec. Secretary
Mn. Bd. of Nursing
717 Delaware St. S.E.
IO

Ombudsman For Corr.
Rm. 101, Nalpak Bldg.
333 Sibley
IO

Secretary, Bd. of Pharmacy
Rm. 351
717 Delaware St. S.E.
IO

Secretary
Podiatry Examiners
717 Delaware S.E.
IO

Public Defender Director
95 Law
229 19th Avenue South
University of Minnesota
Minneapolis, MN 55455

Exec. Secretary
Public Emp. Retirement
203 Capitol Sq. Bldg.
IO

Personnel Officer
Dept. of Public Serv.
7th Fl., Amer. Ctr. Bldg.
IO

Pers. Officer 4
Dept. of Public Welfare
4th Fl., Cent. Bldg.
IO

Revisor of Statutes
Room 3
State Capitol
IO

Administrative Officer
Secretary of State Office
180 State Office Bldg.
IO

Administrative Assistant
Southern Mn. River Basin
600 Amer. Ctr. Bldg.
150 E. Kellogg
IO

Personnel Director
Energy & Econ. Development
980 Am. Ctr. Bldg.
IO

Supreme Court
Administrative Assistant
Rm. 317, State Capitol
IO

Law Library
Room 101
117 University Ave.
IO

Comptroller
Dept. of Military Aff.
4th Fl., Vets Service Bldg.
IO

Chief Administrator
Metro Transit Comm.
801 Am. Ctr. Bldg.
160 E. Kellogg Blvd.
IO

Personnel Officer
Dept. of Public Safety
210 Transportation Bldg.
IO

Executive Director
M.E.C.C.
2520 Broadway Drive
St. Paul, MN 55113

Executive Secretary
Teachers Retirement Assoc.
Room 302, Capitol Sq. Bldg.
IO

Personnel Office
Minnesota Zoological Gardens
12101 Johnny Cake Ridge
IO

Assistant Superintendent
MCF-Sauk Centre
Box C
Sauk Centre, MN 56378

Personnel Officer
MCF-Red Wing
Box 45
Red Wing, MN 55066

Personnel Officer
Brainerd State Hospital
Box 349, Hwy 18 & 25
Brainerd, MN 56401

Personnel Officer
Oak Terrace Nursing Home
County Road 67
Minnetonka, MN 55343

Assistant Administrator
Tax Court, 5th Fl.
Space Center Bldg.
IO

Mary Hess
Iron Range Resources
Rehabilitation Board
Box 678
Eveleth, MN 55734

Personnel Officer
Public Utilities Commission
780 American Center Bldg.
IO

Executive Secretary
Public Employment Rels. Bd.
Suite 205
205 Aurora Avenue
IO

Personnel Officer
Senate Office
Room 231, State Capitol
IO

Herb Leifeld
Legislative Auditor
1st Fl., Vets Serv. Bldg.
IO

Personnel Officer
Dept. of Transportation
315 Transportation Bldg.
IO

Executive Director
Spanish Speaking Council
504 Rice Street
IO

Personnel Officer
MCF-Stillwater
Box 55
Stillwater, MN 55082

Superintendent
Willow River Camp
Willow River, MN 55795

Personnel Officer
Cambridge State Hospital
Cambridge, MN 55008

Personnel Officer
Moose Lake State Hospital
Box B
Moose Lake, MN 55767

Personnel Office
Veterans Affairs
1st Fl., Vets Serv. Bldg.
IO

Personnel Officer
Office Lieutenant Governor
Room 122
State Capitol Bldg.
IO

Personnel Officer
Dept of Natural Resources
3rd Fl., Centennial Bldg.
IO

Personnel Officer
Pollution Control Agency
1935 W. County Road B-2
IO

Executive Director
Mn. State Retirement System
529 Jackson Street
IO

Personnel Office
State Treasurer
303 Administration Bldg.
IO

Director
Water Planning Board
Room 600
American Center Bldg.
IO

Personnel Officer
MCF-Shakopee
Box 7
Shakopee, MN 55379

Personnel Officer
Minnesota Correctional
Facility - St. Cloud
Box B
St. Cloud, Minnesota 56301

Personnel Officer
Ah Gwah Ching Nursing Home
Ah Gwah Ching, MN 56430

Personnel Officer
Faribault State Hospital
Faribault, MN 55021

Personnel Officer
St. Peter State Hospital
100 Freeman Drive
St. Peter, MN 56082

Personnel Services Manager
Attorney General
102 State Capitol
IO

Executive Secretary
Animal Health Board
LL-70 Metro Square
IO

Executive Director
Board of Nursing Home Admin.
717 Delaware St. S.E.
IO

Administration Director
Lawyer's Prof. Resp. Bd.
4th Fl., Space Ctr. Bldg.
IO

Personnel Officer
Dept. of Revenue
Centennial Office Bldg.
IO

Personnel Officer
State University Systems
230 Park Office Bldg.
555 Park Street
IO

Executive Secretary
Water Resources Board
Room 206
555 Wabasha
IO

Gerry Benting
Assistant Commissioner
Dept. of Finance
309 Administration Bldg.
IO

Superintendent
Thistledew Forestry Camp
Box W-10, Star Route
Togo, Minnesota 55788

Personnel Officer
Anoka State Hospital
Anoka, MN 55303

Personnel Officer
Fergus Falls State Hospital
Box 157
Fergus Falls, MN 56537

Katherine Harp
Council on Black Minnesotans
504 Rice Street
IO

Personnel Officer
Willmar State Hospital
Box 1128
Willmar, MN 56201

Personnel Officer
Southwest State University
North Highway 23
Marshall, MN 56258

Personnel Officer
Dept. of Administration
2nd Fl., Admin. Bldg.
IO

Secretary
Board of Chiropractic
Room 336, 717 Delaware S.E.
IO

Secretary
Board of Optometry
Room 342, 717 Delaware S.E.
IO

Personnel Officer
Community College Board
301 Capitol Square Bldg.
IO

Personnel Officer
Dept. of Econmic Security
390 No. Robert
IO

Personnel Director
Dept. of Finance
309 St. Administration Bldg.
IO

Administrative Officer
Office of Admin. Hearings
310 4th Ave. So.
400 Summit Bank Bldg.
Minneapolis, MN 55415

House of Representatives
Chief Clerk
Room 111, State Capitol
IO

Administrative Assistant
Indian Aff. Inter. Trib. Bd.
Governor's Office Annex Bldg.
127 University Ave.
IO

House Finance Office
Room 10, State Capitol
IO

Personnel Officer
Bemidji State University
14th & Birchmont Drive
Bemidji, MN 56601

Personnel Officer
St. Cloud State University
1st Ave. & 7th Street
St. Cloud, MN 56301

Personnel Officer
Dept. of Agriculture
90 W. Plato Blvd.
IO

Personnel Officer
Board of Dentistry, Room 338
717 Deleware Street S.E.
IO

Executive Director
Board of Psychology
Rm. 343, 717 Delaware S.E.
IO

Personnel Director
Dept. of Corrections
430 Metro Square Bldg.
IO

Personnel Officer
Dept. of Education
7th Fl., Capitol Sq. Bldg.
IO

Office of the Governor
130 State Capitol
IO

Personnel Officer
Higher Education Coord. Board
400 Capitol Square Bldg.
IO

President
Humane Society
529 Jackson Street
IO

Personnel Officer
President's Office
Worthington Comm. College
Worthington, MN. 56187

Joint Legislative Commission
% House Finance Office
Room 10, State Capitol
IO

Personnel Officer
Mankato State University
South Road & Ellis Ave.
Mankato, MN 56001

Personnel Officer
Winona State University
8th & Johnson Street
Winona, MN 55987

Executive Director
State Board of Assessors
2nd Fl., Centennial Bldg.
IO

Board of Law Examiners
Room 200A
200 So. Robert
IO

Executive Secretary
Capitol Area
Planning Commission
400 State Office Bldg.
IO

Asst. Exec. Director
Public Emp. Ret. Assoc.
203 Capitol Sq.
IO

Executive Director
Ethical Practices Board
41 State Office Bldg.
IO

Assistant Director
Council on Handicapped
208 Metro Square Bldg.
IO

Executive Director
MN Higher Educ. Fac. Auth.
Rm. 278, Metro Sq. Bldg.
IO

Deputy Commissioner
Dept. of Human Rights
5th Fl., Bremer Tower
7th Place and Minnesota
IO

Veterans Home - Personnel
1200 18th Street
Hastings, MN 55033

Director of Systems &
Procedures
Dept. of Finance
Room 309, Admin. Bldg.
IO

Personnel Officer
Moorhead State University
1104 7th Ave. So.
Moorhead, MN 56560

Personnel Officer
Metro State University
Room 121, Metro Sq. Bldg.
IO

Executive Director
Board of Judicial Standards
Room 202, 200 So. Robert
IO

CETA
Dept. of Economic Security
1st Floor
390 North Robert
IO

Personnel Director
Dept. of Commerce (5)
5th Fl., Metro Sq. Bldg.
IO

Personnel Officer
State Planning Agency
101 Capitol Square
IO

Gillette Childrens Hospital
200 E. University Avenue
St. Paul, MN 55104

Personnel Officer
Dept. of Health
717 Delaware St. S.E.
IO

Personnel Officer
MN Housing Finance Ag.
Suite 200, Nalpak Bldg.
IO

Pat Gaarder
MN Historical Society
1500 Mississippi Street
IO

Veterans Home - Personnel
51st St. & Minnehaha
Minneapolis, MN 55417

Waste Management Board
7323 58th Avenue North
123 Thorson Bldg.
IO

Worker's Compensation
Court of Appeals
Room 212 MEA Bldg.
IO

Personnel Officer
Board of Electricity
Griggs Midway Bldg Rm N-191
1821 University Ave.
IO

Barb Kochevar
State Planning Agency
101 Capitol Square
IO

Board of Veterinary Medicine
Executive Secretary
Rm. 337, 717 Delaware S.E.
IO

Personnel Office
Minnesota State Arts Board
432 Summit Avenue
IO

Senate Personnel Office
231 State Capitol Bldg.
IO

Personnel Officer
State Auditor's Office
Suite 400
555 Park Street
IO

Personnel Officer
MCF-Lino Lakes
7525 4th Avenue
Lino Lakes, MN 55014

MCF-Oak Park Heights
Box 10
Stillwater, MN 55082

Director
Central Payroll Finance
1st Fl., Centennial Bldg.
IO

Accounting Manager
404 Metro Sq.
IO

Rule as Proposed

5 MCAR § 1.0790 Post-secondary vocational instructional personnel.

A.-B. [Unchanged.]

C. Uncharted licensure criteria; robotics technician. To qualify for a license, an applicant in a licensure area not charted in 5 MCAR § 1.0798, must comply with 5 MCAR § 1.0781, 1.0782, 1.0784 C., and 1.0785, and specifically in the area of technical education/robotics technician, must present evidence of completion of the following education and occupational experience requirements. For the purpose of 5 MCAR § 1.0790 C., the term "approved program" means schools or institutions offering post-secondary education licensed in Minnesota, or military training.

1. Education requirement. An applicant must have completed at an approved program either:

a. two years (2,160 clock hours) post-secondary vocational-technical training focusing on technician level training in the areas of fluid power, electronics, automated packaging, industrial engineering, electro-mechanical technology, or industrial technology; or

b. a degree program in mechanical, electrical, or aero-space engineering at the baccalaureate level or higher.

2. Occupational experience requirement. An applicant must have 2,000 hours of experience within the last five years in robotics or programmable automation, and 4,000 hours of experience focusing on the technical application of electronics emphasizing computer technician or computer programmer skills; fluid power mechanics; manufacturing processes applications; or electro-mechanical technology.

Department of Employee Relations

Proposed Rules Governing the State Personnel System (2 MCAR §§ 2.225; 2.2301; 2.303; 2.406; 2.409 and 2.413)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Employee Relations proposes to adopt the above-entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 5.0412, subdivision 4-4f.

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

Mark L. Sundquist
3rd Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
296-8933

Authority for the adoption of these rules is contained in Minnesota Statutes section 43A.04, subd. 3. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Mark Sundquist upon request.

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

reasonableness, all written comments received, and the final rules as adopted will be delivered to 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 rules as proposed for adoption, should submit a written statement of such request to Mark Sundquist.

The rules proposed for adoption relate to the following matters: 2 MCAR § 2.225 is being repealed; the definition of Handicapped as stated in 2 MCAR § 2.225 is being incorporated into 2 MCAR § 2.303; 2 MCAR § 2.301 is being repealed because it is obsolete; 2 MCAR §§ 2.406, 2.409 and 2.413 are being revised to conform with Federal Social Security laws. A copy of the proposed rules is attached to this notice.

Nina Rothchild
Commissioner of Employee Relations

Rules as Proposed

2 MCAR § 2.303 Definitions.

A.-K. [Unchanged.]

L. "Handicapped" means any person who:

1. has a physical or mental impairment which substantially limits one or more major life activities;

2. has a record of such an impairment; or

3. is regarded as having such an impairment.

"Handicapped" does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question or whose employment, by reason of the current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

L.-T. [Reletter as M.-U.]

2 MCAR § 2.406 Collecting and remitting tax.

A. [Unchanged.]

B. Schedule. After the reporting unit has provided the matching amount, the total social security contribution must be remitted to the state agency for credit to the social security contributions fund in accordance with the following schedule:

1. ~~For each month, the social security contributions due on the wages paid must be forwarded to the state agency within the 15-day period following the end of each month beginning with July 1980. If the last day of the 15-day period is a legal holiday or a nonwork day, the social security contribution payment is due on the next work day~~ Effective with wages paid after December 31, 1983, social security contributions due on wages paid during the period from the first day through the 15th day of each calendar month must be forwarded to the state agency on or before the 20th day of the month. The remittance must be postmarked not later than the 20th day of that month. Social security contributions due on wages paid during the period beginning with the 16th day of each calendar month and ending with the last day of that calendar month must be forwarded to the state agency on or before the fifth day of the following calendar month. The remittance must be postmarked not later than the fifth day of the following month.

2.-4. [Unchanged.]

5. If any ~~monthly~~ contribution payment is not received by the state agency within the deadlines specified in 1., the state agency shall charge interest to the reporting unit. The interest ~~rate~~ assessment must be ~~six percent a year on~~ the same rate of interest charged the state by the Social Security Administration applied to the contribution due for each month or part of a month from the due date, but in no case may the interest charge be less than $5.

2 MCAR § 2.409 Reporting unit's failure to pay state agency.

If a reporting unit fails to make the social security contribution payments required by law and this chapter, the state agency may recover by bringing action in a court of competent jurisdiction against every political subdivision liable for payments. The state agency may recover either the delinquent payments due with interest ~~of six percent a year~~ at the rate established in 2 MCAR § 2.406 B.5. or the minimum penalty established by this chapter, whichever is greater. Alternatively, at the state agency's request, the delinquent payments may be deducted from any other money payable to the political subdivision by any department or agency of the state.

2 MCAR § 2.413 Quarterly reports before 1981.

A.-E. [Unchanged.]

F. Interest on overdue reports. If any quarterly report is not received by the state agency within the respective established deadlines, interest will be charged to the reporting unit at the rate ~~of six percent a year~~ established in 2 MCAR § 2.406 B.5. on reportable contributions for each month or part of a month from the date due, but the interest charge or penalty shall not be less than $5.

Repealer. Rules 2 MCAR §§ 2.225 and 2.2301 are repealed.

Minnesota Higher Education Coordinating Board

Proposed Temporary Rule Governing State Scholarship and Grant-in-Aid, and Part-Time Student Grants

Request for Public Comment

Notice is hereby given that the Minnesota Higher Education Coordinating Board has proposed the following temporary rule for the Scholarship and Grant-in-Aid and Part-Time Student Grant Programs pursuant to Minnesota Laws 1983, chapter 258, § 67. All interested persons are hereby afforded the opportunity to submit written comments on the proposed temporary rule for 20 days immediately following publication of this material in the *State Register* by writing to:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Authority for the adoption of this rule is contained in Laws 1983, chapter 258, § 67, and Minnesota Statutes §§ 136A.121 and 136A.132. The proposed temporary rule may be revised on the basis of the comments received. Any written material received will become part of the record in the final adoption of the temporary rule. This temporary rule will be effective for not more than 180 days upon approval by the Attorney General.

A copy of the proposed temporary rule is attached to this notice.

Clyde R. Ingle
Executive Director

Temporary Rules as Proposed

5 MCAR § 2.2101 Scope.

Rules 5 MCAR §§ 2.2101-2.2106 govern state scholarships and grants-in-aid.

5 MCAR § 2.2102 Eligible schools.

Annually ~~by July 31,~~ the board shall adopt by resolution a list of schools at which a state scholarship or grant-in-aid may be used. To be eligible a school must meet the following requirements:

1.-3. [Unchanged]

5 MCAR § 2.2103 Application dates and student eligibility.

A.-B. [Unchanged]

C. Eligibility for initial grant-in-aid. To be eligible for an initial grant-in-aid a student must be an eligible student, as defined in 5 MCAR § 2.0100 D., and all of the following:

1.-3. [Unchanged]

4. if applying for a nursing grant, is enrolled or will be enrolled in a program leading to licensure as a registered nurse or a licensed practical nurse;

5. If under 17 years old, a recipient must have a high school diploma or the equivalent.

D. [Unchanged]

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.

DEPARTMENT OF EMPLOYEE RELATIONS

IN THE MATTER OF THE PROPOSED AMENDMENT OF RULES REGARDING DEFINITIONS IN PERSONNEL RULES AND DEPOSITS OF SOCIAL SECURITY CONTRIBUTIONS BY COVERED PUBLIC EMPLOYERS

STATEMENT OF NEED AND REASONABLENESS

The above-captioned rules are amendments to existing Personnel rules of the Department of Employee Relations. The last time these sections of the above-captioned rules were amended was January 1, 1983.

These amended rules need to be adopted so that: 1) all definitions are incorporated within the rule on definitions; and, 2) to allow implementation of the revised deposit schedule for social security contributions enacted into law by the passage in U.S. Congress of the Social Security Amendments of 1983, Public Law 98-21 enacted on April 20, 1983 (Exhibit A) and to repeal obsolete rules. Social Security Administration's record-keeping and reporting instructions to State Social Administrators will be revised to reflect the new deposit schedule for social security contributions. (Exhibit B, Handbook for State Social Security Administrators, Informational Release No. 48, dated May 23, 1983.) The authority of the Department of Employee Relations to promulgate and adopt rules is M.S. 43A.04, Subd. 3 and M.S. 355.05.

Specifically,

1. 2 MCAR § 2.303 Definitions.

This rule is amended to incorporate the definition of "Handicapped" in the rule entitled "definitions." Currently, the definition is included in a separate rule 2 MCAR § 2.225, which is the only definition included in 2 MCAR § 2.303. All definitions should be incorporated within a single rule.

2. 2 MCAR § 2.406 B. 1.

This section has been revised to require that public employers covered by the State Social Security Agreement be required to remit social security contributions to the State agency twice a month for covered State and local governmental employees. Contributions on wages paid during the first 15 days of each calendar month will be due on the 20th of that month; contributions on wages paid from the 16th through the last day of each month will be due on the 5th day of the following month. These changes will be effective for contributions due on wages paid after December 31, 1983. Under existing rules, the contributions from the political subdivisions are due within the 15-day period following the end of the month in which the wages are paid.

This revision is necessary because present State rules are based upon federal social security law requiring the State to deposit contributions within the 30-day period following the end of the month. This depositing requirement was revised by Social Security Amendments of 1983, Public Law 98-21.

Under the revised depositing schedule set forth in the federal legislation, the State is required to deposit contributions on wages paid during the first through fifteenth day of each month by the last day of such month. For wages paid between the sixteenth and the last day of each month, the State is required to deposit the contributions by the fifteenth day of the following

month. The proposed schedule is reasonable in that it allows ample time for the reporting units to make their social security contribution remittances to the State Agency and at the same time provides the State Agency the minimum time necessary to properly receive, record and deposit with the State Treasurer the contributions from the 2,300 covered reporting units prior to the deadline for the consolidated deposit of social security contributions with the Federal Government.

3. 2 MCAR § 2.406 B. 5.

The section has been revised to preclude the need for any future rule amendments relating to the rate of interest charged delinquent reporting units. Under federal social security law, the annual interest rate charged the State by Social Security Administration on late payments of social security contributions on the earnings of State and local governmental employees is 6 per cent per annum. Our present State rules in this section and in 2 MCAR § 2.409 and 2 MCAR § 2.413 establishes 6 per cent per annum as the rate charged reporting units for delinquent contributions to the State Agency. The revised rule would not change this rate at this time.

However, the U.S. House of Representatives' Bill containing the Social Security Amendments of 1983 included a provision for changing the rate of interest charged the State by Social Security Administration on late payments of social security contributions. (Exhibit C excerpts from Congressional Record--House, dated March 24, 1983.) The U.S. House-Senate Conference Committee did not include this provision in the final enactment. However, Social Security Administration has advised this office that efforts will be made in the future to enact the change in the rate of interest charged.

The proposed rule would automatically incorporate into the State rules any change enacted at the Federal level. It further provides that the same rate charged the State would be applied to the reporting units, thus it is reasonable.

4. 2 MCAR § 2.409

This section provides the State with authority and methods to collect delinquent payments with interest at 6 per cent per annum. The proposed revision applies only to the rate of interest with the same rationale as in 2 MCAR § 2.406 B. 5.

5. 2 MCAR § 2.413

This section provides interest on quarterly reports for periods prior to 1981 that are not received within the prescribed time limits. Here again, the proposed revision applies to the rate of interest with the same rationale as in 2 MCAR § 2.406 B. 5.

6. 2 MCAR § 2.225

This rule is repealed because the context of the rule has been incorporated into 2 MCAR § 2.303 and is now redundant.

7. 2 MCAR § 2.2301

This rule is obsolete and no longer needed.

In the Matter of the Proposed Adoptions of Rules of the State Department of Employee Relations Governing the State Personnel System 2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409 and 2.413.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I Steven Gunn, 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. Any exceptions are noted below.

Steven Gunn Special Asst
Attorney General

Dated: 10/17/83

In the Matter of the Proposed Adoption
of Rules of the State Department of Employee
Relations Governing the State Personnel System
2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409 and 2.413.

AFFIDAVIT OF MAILING
NOTICE OF SUBMISSION TO
THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I Jean Brezinski, being first duly sworn, deposes and says:

That on the 17th day of October, 1983, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above- entitled matter have been submitted to the Attorney General.

Jean M. Brezinski

Subscribed and sworn to before me
this 17 day of October, 1983.
Christine F. Goodwill

CHRISTINE F. GOODWILL
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES DECEMBER 6, 1989

STATE OF MINNESOTA

DEPARTMENT OF EMPLOYEE RELATIONS

In the Matter of the Proposed Adoption of Rules of the State Department of Employee Relations Governing the State Personnel System 2 MCAR 2.225; 2.301; 2.303; 2.406; 2.409 and 2.413.

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date October 14, 1983, for review as to form and legality. Pursuant to 1 MCAR § 1.206 B., the Attorney General will not approve the rules for at least 20 calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Mark L. Sundquist Department of Employee Relations, Training Division, 444 Lafayette Road, 3rd Floor Space Center Bldg., St. Paul, MN 55101.

Mark L Sundquist

MARK L. SUNDQUIST
Training & Development Manager