

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1126

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-28-84
DATE FOR REVIEW 1-6-85
DATE DUE 1-11-85

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

Approved 1/11/85 (LOS) Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 1/14/85 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.11.84 Date incomplete citation to stat. authority should be Laws 84, ch. 432, Art 2, § 19

✓ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing
OK. Clear enough - LOS

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking incorrect and incomplete citation; very limited small biz statement
? Sufficiency - see note from Chie
OK.

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

✓ Mailing list Certificate

✓ Publication in State Register incorrect and incomplete citation
9.10.84 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 incorrect and incomplete citation - contains small biz statement.

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

✓ Finance approval of fee.

Judith -

Please excuse the handwritten note but I wanted to get this to you right away.

As we discussed, DVR cited the wrong statute as authority for rulemaking with respect to the fees at issue. You indicated that an amended order adopting would be sufficient.

Please call if you have any questions.

Thanks & Happy New Year

Peggi Clow

RECEIVED
DEC 28 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: Barbara Beerhalter
Commissioner, Department of Economic Security

DATE: 1-14-85

ATTN: Regina Chu
Special Assistant Attorney General

FROM: Larry D. Starns LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Certification Fees for Determining Eligibility for the Targeted Jobs Tax Credit Program.

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.

LDS:sz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Economic Security

Adopted Rules Governing Targeted Jobs Tax Credit Program

Rules as Adopted

3320.0010 SCOPE AND PURPOSE.

Parts 3320.0010 to 3320.0030 are adopted pursuant to Laws of Minnesota 1984, chapter 432, section 20, and govern fees for certifying that an employee is eligible for the federal targeted jobs tax credit program. An employer receives federal tax credits for wages paid to an employee certified by the division.

incorrect and incomplete citation

3320.0020 DEFINITIONS.

Subpart 1. General. The terms used in parts 3320.0010 to 3320.0030 have the meanings given them in this part.

Subp. 2. Division. "Division" means the Division of Vocational Rehabilitation of the Minnesota Department of Economic Security.

Subp. 3. Evaluation for certification of eligibility. "Evaluation for certification of eligibility" means a determination by the division that an employee is eligible for the federal targeted jobs tax credit program.

Subp. 4. Federal targeted jobs tax credit program. "Federal targeted jobs tax credit program" refers to the targeted jobs tax credit program as provided by the United States Code, title 26, section 51.

Subp. 5. Reevaluation for certification of eligibility. "Reevaluation for certification of eligibility" means a reconsideration of a previous determination by the division that an employee is ineligible for the federal targeted jobs tax credit program.

3320.0030 FEES.

The division will charge the following fees:

A. evaluation for certification of eligibility, $120; and

B. reevaluation for certification of eligibility, $60.

APPROVED AS TO LEGALITY

January 11, 1985

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jerry D. James
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 14 1985
Joan Anderson Growe
Secretary of State
9:05AM

Rules as Proposed (all new material)

3320.0010 SCOPE AND PURPOSE.

Parts 3320.0010 to 3320.0030 are adopted pursuant to Laws of Minnesota 1984, chapter 432, section 20, and govern fees for certifying that an employee is eligible for the federal targeted jobs tax credit program. An employer receives federal tax credits for wages paid to an employee certified by the division.

3320.0020 DEFINITIONS.

Subpart 1. **General.** The terms used in parts 3320.0010 to 3320.0030 have the meanings given them in this part.

Subp. 2. **Division.** "Division" means the Division of Vocational Rehabilitation of the Minnesota Department of Economic Security.

Subp. 3. **Evaluation for certification of eligibility.** "Evaluation for certification of eligibility" means a determination by the division that an employee is eligible for the federal targeted jobs tax credit program.

Subp. 4. **Federal targeted jobs tax credit program.** "Federal targeted jobs tax credit program" refers to the targeted jobs tax credit program as provided by the United States Code, title 26, section 51.

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3320.0030 FEES.

The division will charge the following fees:

A. evaluation for certification of eligibility, $120; and

B. reevaluation for certification of eligibility, $60.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD605

Agency: Department of Economic Security

Division:

Agency Contact: Caroline Robinson

Minnesota Rules: Parts 3320.0010; 3320.0020; 3320.0030

Title: Proposed Rules Governing Targeted Jobs Tax Credit Program

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

John C. Fuller
Assistant Deputy Revisor
Phone: 296-0955

Date: August 20, 1984

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Certification Fees for Determining Eligibility for the Targeted Jobs Tax Credit Program

ORDER ADOPTING NONCONTROVERSIAL 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 10, 1984, and was sent by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a, on September 7, 1984.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer than 25 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 the rules identified as Minnesota Rules, parts 3320.0010 to 3320.0030, are adopted this 11th day of October 1984, pursuant to the authority vested in me by Laws of Minnesota 1984, Chapter 432, Section 19, Subdivision 2.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara Beerhalter
COMMISSIONER

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of a	NOTICE OF INTENT
Rule of the State of Minnesota Governing Fees	TO SOLICIT
for Certification for Federal Tax Credits	OUTSIDE OPINION

Notice is hereby given that the Department of Economic Security, Division of Vocational Rehabilitation, is seeking information or opinions from sources outside the Department in preparing to adopt a rule governing fees for certification under the Targeted Jobs Tax Credit Program, pursuant to Minnesota Statutes, section 14.10.

The adoption of the rule is authorized by Minnesota Laws 1984, Chapter 432, which permits the Department to collect fees from qualified rehabilitation consultants and approved vendors. The fees will be charged to cover the costs of certifying eligibility for Federal tax credits.

The estimated total cost of the proposed rule to all local bodies in the state is not expected to exceed $100,000 annually in the next two years.

The proposed rule will have an impact on small businesses. This impact on small businesses will be considered as required by Minnesota Statutes, section 14.115.

The Department requests information and comments concerning the subject matter of the rule. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Written comments should be addressed to:

Roger Sorbel

Division of Vocational Rehabilitation

Third Floor, Space Center Building

444 Lafayette Road

St. Paul, Minnesota 55101

Any written material received by the Department shall become part of the rulemaking record to be submitted to the Administration Division of the Office of the Attorney General in the event that the rule is adopted. Oral statements will be received during regular business hours over the telephone at (612) 297-3754 and in person at the above address.

All statements of information and comment will be accepted until 4:30 p.m. August 9, 1984.

STATE OF MINNESOTA

Roger Sorbel

Roger Sorbel

Legal Technician

Division of Vocational Rehabilitation

Department of Economic Security

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing Certification Fees for Determining Eligibility for the Targeted Jobs Tax Credit Program

ORDER FOR NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING

IT IS ORDERED this 24th day of August, 1984, that a Notice of Intent to Adopt Rule Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department for that purpose and be published in the State Register.

STATE OF MINNESOTA

Barbara Beerhalter

COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing Certification Fees for Determining Eligibility for the Targeted Jobs Tax Credit Program

NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING

Notice is hereby given that the Department proposes to adopt the above-entitled rule without a public hearing. The Commissioner has determined that the proposed adoption of the rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The adoption of the rule is authorized by Laws of Minnesota 1984, chapter 432, section 20, subdivision 2, which authorizes the Department to collect a fee for determining eligibility for the federal targeted jobs tax credit program.

The public is encouraged to comment on the proposed rule. The public shall have 30 days to submit comment in support of or in opposition to the proposed rule. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

Pursuant to Laws of Minnesota 1984, chapter 16A, section 128, subdivision 2a, no hearing will be held.

Notice of the date of submission of the proposed rule to the Administration Division of the Office of the Attorney General for review will be mailed to any person requesting to receive notice.

Comments and requests for notice of the date of submission to the Attorney General should be submitted to:

Roger Sorbel
Division of Vocational Rehabilitation
3rd Floor, Space Center
444 Lafayette Road
St. Paul, MN 55101
(612) 297-3754

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Roger Sorbel.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115, that the proposed rule may affect small businesses in Minnesota. For more information, please see the Statement of Need and Reasonableness.

STATE OF MINNESOTA

Barbara Beerhalter

COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing Certification Fees for Determining Eligibility for the Targeted Jobs Tax Credit Program

AFFIDAVIT OF MAILING

Caroline Robinson, being duly sworn deposes and says:

That on the 7th day of September, 1984, at the City of Saint Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rule Without Public Hearing be depositing in the State of Minnesota Central Mail System at said City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department for the purpose of receiving notice of rulemaking by the Department.

STATE OF MINNESOTA

Caroline Robinson

Caroline Robinson
Management Services
Office of Budget and Management
DEPARTMENT OF ECONOMIC SECURITY

Subscribed and sworn to before me
this 7th day of September, 1984

Notary Public
Ramsey County

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption
of Rule of the State of Minnesota
Governing Certification Fees for
Determining Eligibility for the
Targeted Jobs Tax Credit Program

MAILING LIST
CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained by the Department for the purpose of receiving notice of the proposed adoption of rules by the Department is accurate and complete as of 8:00 a.m., this 7th day of September, 1984.

STATE OF MINNESOTA

Caroline Robinson

Caroline Robinson
Management Services
Office of Budget and Management
DEPARTMENT OF ECONOMIC SECURITY

restructure the financial assistance at the request of the borrower or upon his or her own initiative if he or she determines that restructuring the financial assistance will increase the probability that the financial assistance will be repaid to the state.

If the applicant requests the commissioner to restructure the financial assistance, the commissioner shall charge the applicant a fee in the amount of one-half percent on the outstanding principal amount of the financial assistance.

Department of Economic Security

Proposed Rules Governing Targeted Jobs Tax Credit Program

Notice of Intent to Adopt Rule without Public Hearing

Notice is hereby given that the department proposes to adopt the above-entitled rule without a public hearing. The Commissioner has determined that the proposed adoption of the rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The adoption of the rule is authorized by Laws of Minnesota 1984, chapter 432, section 20, subdivision 2, which authorizes the Department to collect a fee for determining eligibility for the federal targeted jobs tax credit program.

The public is encouraged to comment on the proposed rule. The public shall have 30 days to submit comment in support of or in opposition to the proposed rule. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Pursuant to Laws of Minnesota 1984, chapter 16A, section 128, subdivision 2a, no hearing will be held.

Notice of the date of submission of the proposed rule to the Administration Division of the Office of the Attorney General for review will be mailed to any person requesting to receive notice.

Comments and requests for notice of the date of submission to the Attorney General should be submitted to:

Roger Sorbel
Division of Vocational Rehabilitation
3rd Floor, Space Center
444 Lafayette Road
St. Paul, MN 55101
(612) 297-3754

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Roger Sorbel.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115, that the proposed rule may affect small businesses in Minnesota. For more information, please see the Statement of Need and Reasonableness.

Barbara Beerhalter
Commissioner,
Department of Economic Security

Rules as Proposed (all new material)

3320.0010 SCOPE AND PURPOSE.

Parts 3320.0010 to 3320.0030 are adopted pursuant to Laws of Minnesota 1984, chapter 432, section 20, and govern fees for certifying that an employee is eligible for the federal targeted jobs tax credit program. An employer receives federal tax credits for wages paid to an employee certified by the division.

3320.0020 DEFINITIONS.

Subpart 1. General. The terms used in parts 3320.0010 to 3320.0030 have the meanings given them in this part.

Subp. 2. Division. "Division" means the Division of Vocational Rehabilitation of the Minnesota Department of Economic Security.

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Subp. 4. Federal targeted jobs tax credit program. "Federal targeted jobs tax credit program" refers to the targeted jobs tax credit program as provided by the United States Code, title 26, section 51.

Subp. 5. Reevaluation for certification of eligibility. "Reevaluation for certification of eligibility" means a reconsideration of a previous determination by the division that an employee is ineligible for the federal targeted jobs tax credit program.

3320.0030 FEES.

The division will charge the following fees:

A. evaluation for certification of eligibility, $120; and

B. reevaluation for certification of eligibility, $60.

Department of Health
Health Systems Division

Proposed Temporary Rules Governing Medical Assistance Certification Status of Nursing Homes; and Proposed Temporary Rules Governing Nursing and Boarding Care Homes, Medical Assistance Certification of Beds

Notice of Intent to Adopt a Temporary Rule

The Department of Health proposes to adopt the above-entitled temporary rules to implement Minnesota Statute § 144A.071, subdivisions 3(a) and (d) (1983 Supp.). Persons interested in these rules have until October 5, 1984, to submit written comments. The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in substantial change in the proposed language. Written comments should be sent to:

H. Michael Tripple
Minnesota Department of Health
Survey and Compliance Section
P.O. Box 9441
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone Number: (612) 623-5448

Upon adoption of the temporary rules by the Department of Health, the proposed temporary rules as published and any modification will be submitted to the Attorney General for review as to form and legality. Notice of the date of submission of these proposed temporary rules to the Attorney General will be mailed to any person requesting to receive such notice. The temporary rules shall be effective five working days after approval by the Attorney General. Failure of the Attorney General to approve or disapprove the rules within ten working days, as provided in Minnesota Statutes § 14.33, is approval.

As soon as practicable thereafter, notice of the Attorney General's decision shall be published in the *State Register* and the adopted rules shall also be published in the manner as provided for adopted rules in Minnesota Statutes § 14.18.

In accordance with Minn. Stat. § 256B.502 the temporary rules shall be effective for 180 days after the effective date, and may be continued in effect for an additional period of 180 days if the Commissioner of Health gives notice of continuation of such additional period by publishing notice in the *State Register* and mailing the same notice to all persons registered with the Commissioner to receive notice of rulemaking proceedings.

The temporary rules will not result in any increased expenditure to local public bodies. Nor will they result in a fiscal impact in excess of $100,000 annually. *See* Minnesota Statute § 14.11, subdivision 1 and § 15.065.

The following information is being provided to comply with the provisions of Minnesota Statute § 144A.29, subdivision 4 which requires that each rule promulgated by the Department contain a short statement of anticipated costs and benefits to be derived from the provisions of the rule. These rules are being promulgated under authority of Minnesota Statutes § 256B.502 to clarify provisions of Laws of Minnesota 1983, Chapter 199, Section 1, commonly known as the moratorium law. This authority was extended by Laws 1984, Chapter 640, Section 28.

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.

STATEMENT OF NEED AND REASONABLENESS governing certification fees for determining eligibility for the federal Targeted Jobs Tax Credit program

Laws of Minnesota for 1984, chapter 432, section 20, authorizes the Division of Vocational Rehabilitation (DVR) of the Minnesota Department of Economic Security to establish a program to determine eligibility and certify an employee for the federal Targeted Jobs Tax Credit (TJTC) program. Under the federal TJTC program, an employer who hires a certified employee receives a federal wage tax credit for the first two years of employment. One of the purposes of the federal TJTC program is to encourage employers to hire handicapped persons. Integral to a DVR certification program is the fee which must be charged for providing eligibility and certification services.

The proposed fees will be charged to Qualified Rehabilitation Consultants (QRCs) and approved vendors. QRCs are licensed individuals who: 1) determine if an employee would benefit from rehabilitation services, 2) provide rehabilitation services to employees, and 3) place employees with new employers. Approved vendors are licensed entities which place employees with new employers. Both QRCs and approved vendors are used by insurance companies and employers.

The fees will reimburse DVR for the costs of the certification program. Upon request by the QRCs or approved vendors, DVR will determine if an employee is eligible for the federal TJTC program. If so, DVR will certify the employee's eligibility.

DVR cannot absorb the costs of a certification program because to do so would deprive other DVR clients of needed services. The Minnesota Legislature recognized this fact when they authorized DVR to charge a fee for the certification services in Laws of Minnesota for 1984, chapter 432, section 20, subdivision 2. In addition, many injured employees who would benefit from the program are economically disadvantaged and cannot afford the certification fee. However, injured employees will not be adversely affected if the QRCs and approved vendors pay the costs of certification. It is therefore necessary to charge the certification fee to the QRCs and approved vendors.

The fee for determining eligibility and certifying an employee for the federal TJTC program is $120.00. DVR estimates that providing these services will require two hours time. This estimate is based upon the average amount of time spent by DVR in determining whether an injured employee satisfies the eligibility requirements for similar programs administered by DVR. The Minnesota Department of Finance has approved DVR's request to charge $120.00 for each TJTC certification. A copy of the approved request is attached.

The fee for reevaluating eligibility for certification is $60.00. An application for certification that is disapproved for lack of information may be resubmitted to DVR with the additional information needed to make a determination of eligibility. DVR estimates that revaluation will only take one hour because some of the information necessary to determine eligibility will have been evaluated during the initial application for certification. The Minnesota Department of Finance has approved DVR's request to charge $60.00 for each reevaluation. A copy of the approved request is attached.

These fees are the minimum amount needed to cover DVR's operating costs. To charge less than $60.00 per hour would result in a financial loss to DVR. The loss could only be absorbed by reducing the amount and quality of services currently offered to DVR's clients. This is an untenable alternative.

Approved vendors and the employers who use QRCs and approved vendors are small businesses as defined in Minnesota Statutes, section 14.115, subdivision 1. Whenever proposed rules may affect small businesses, an agency must consider methods for reducing the impact of the proposed rules on small businesses. Approved vendors and the employers who use QRCs and approved vendors will be affected by the proposed rules because they ultimately bear the costs of the certification program.

The Minnesota Department of Economic Security has considered each of the methods listed in Minnesota Statutes, section 14.115, subdivision 2. Under the proposed rules:

a. there are no compliance or reporting requirements for small businesses;

b. nor are there any schedules or deadlines for the requirements in a.;

c. thus, consolidation or simplification of the requirements in a. does not apply to the proposed rules;

d. there are no required design or operational standards to replace with performance standards for small businesses; and

e. small businesses cannot be exempted from any or all requirements of the proposed rules because it would be unreasonable (as explained on page 1) to charge the certification fees to DVR or to the injured employee.

Thus, pursuant to Minnesota Statutes, section 14.115, subdivision 3, the Minnesota Department of Economic Security finds that it is not feasible to incorporate any of the methods listed above into the proposed rules.

Laws of Minnesota for 1984, chapter 628, article 2, section 1, (amending Minnesota Statutes, section 16A.128, subdivision 2a) states that no public hearing will be held if the total fees for the biennium do not exceed the sum of direct appropriations, indirect costs, transfers in, and salary supplements for the purpose for which the fees are charged. The certification and reevaluation fees cover only the operating costs of determining eligibility and certifying an employee for the federal TJTC program. Since DVR does not profit from the fees, no hearing will be held on the proposed rules.

SE-00006-03

STATE OF MINNESOTA

DEPARTMENT DES/DVR

Office Memorandum

TO: Allan A. Yozamp
Budget Operations and Support
Department of Finance

DATE: July 26, 1984

FROM: Edwin O. Opheim, Assistant Commissioner
Department of Vocational Rehabilitation

PHONE: 297-2962

SUBJECT: Fee for Targeted Jobs Tax Credit Certification.

The 1984 Legislature directed the Division of Vocational Rehabilitation to establish a program to certify injured workers referred by private qualified rehabilitation consultants or vendors for the federal Targeted Jobs Tax Credit program. It also directed the Division to establish a fee for this service.

DVR anticipates charging a flat rate of $120.00 for determining the eligibility of a referral and making the proper certification to the U.S. Department of Revenue. It is also anticipated that there will be a limited number (under 5%) of applications for reconsideration of previous determinations. DVR anticipates charging one half the cost of a new determination, i.e., a flat rate of $60.00, for each reconsideration.

A copy of the Fee Review and the requested fee rate calculation are attached.

Approvals:

Michael W. Wold, Assistant Commissioner
Division of Program and Management Support
Department of Economic Security

Approved: Allen A. Yozamp, Director
Budget Operations & Support

Bruce J. Reddemann, Controller
Department of Finance

Date 5/27/84

cc: M. Shortall
W. Niederloh
C. Ottmar
P. Moe
G. Belisle
J. Burns
S. Bertrand

Department of Finance

Fee Review

Department/Agency: Economic Security Vocational Rehabilitation	Budget Activity: Basic Client Rehabilitation Services
Fee Name: Certification of Federal Targeted Jobs Tax Credit Application	
Legal Citation: M.S. 176.1041	Fee Set By: ☐ Law ☒ Agency
Purpose of Fee: To accept referrals of injured workers from qualified rehabilitation consultants and approved vendors under state workmans compensation statutes for the purpose of certifying their eligability for Federal Targeted Jobs Tax Credit.	
☒ Dedicated * ☐ Non-Dedicated	Revenue Code: 210 *Refund of Federal expenditures
APID: 18060-00-30	Accumulated Difference Thru 1982: N/A

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 83	Actual F.Y. 84	Estimated F.Y. 85	Requested F.Y. 86	Requested F.Y. 87
Actual/Anticipated Receipts	N/A	N/A	48.0	60.4	66.5
Less Actual/ Anticipated Costs			47.9	60.0	66.0
Current Difference			.1	.4	.5
Accumulated Difference			.1	.5	1.0
Number Paying Fee			400	465	475
Present Fee			120/ea	130/ea	140/ea
Date Fee Last Changed			N/A	N/A	N/A

Remarks: The 1984 Minnesota State Legislature directed the Division of Vocational Rehabilitation to: "establish a program authorizing qualified rehabilitation consultants and approved vendors to refer an employee to the division for the sole purpose of federal targeted jobs tax credit eligibility determination. . . The division is authorized to collect a fee from the qualified rehabilitation consultant or approved vendor in the amount necessary to determine eligibility and to certify the employee for this program".

The required rulemaking process to establish this fee has been initiated.

Finance Department Recommendation:

Department Authorized Signature:	Agency Controller Signature:

TARGETED JOBS TAX CREDIT CERTIFICATION OFFICE
DETERMINATION OF REQUESTED FEE
August 15, 1984 - June 30, 1985

SALARIES

Counselor	$19,823
Clerical	6,616
Supervision	4,669
Total Salaries	$31,108
Fringe	6,318
Total Salaries and Fringe	$37,426

OTHER EXPENSES

Space	$1,115	
Telephone	315	
Travel	1,050	
Supplies and materials	87	
Furniture and fixtures	1,050	
Office copier	105	3,722
Indirect Costs		5,737
Total Costs		$47,885
Estimated number of referrals		400
Cost per referral		$ 119.71
Requested fee rate per referral		$ 120.00

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Certification Fees for Determining Eligibility for the Targeted Jobs Tax Credit Program

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Regina Chu, 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 Office of the Attorney General have been followed. Any exceptions are noted below.

STATE OF MINNESOTA

Regina N Chu

SPECIAL ASSISTANT ATTORNEY GENERAL
FOR THE DEPARTMENT OF ECONOMIC SECURITY

December 27,
~~October 18~~, 1984