

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

P.O. Box 64446
St. Paul, Minnesota 55164
(612) 296-1022

Telephone: _____

RECEIVED
MAR 01 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

February 28, 1985

Office of the Attorney General
G-15 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Re: Review of Rule on The Metropolitan solid Waste and Landfill Fee

Dear Attorney:

In accordance with Minn. Stat. Section 14.26 and Minnesota Rules, Part 2000.0700. I enclose the following documents for your review:

1. Rule as Adopted (original and 3 copies).
2. Order Adopting (two copies).
3. Written material received pursuant to the Notice of Intent to Solicit Outside Opinion, printed in State Register July 2, 1984, received prior to publication of the proposed rule.
4. Order for Notice of Intent to Adopt a Rule Without a Public Hearing.
5. Notice of Intent to Adopt a rule Without a Public Hearing.
6. Affidavit of Mailing (Notice of Intent to Adopt a Rule Without a Public Hearing).
7. Certificate of Completeness and Accuracy (Mailing List Certificate).
8. Rule As Proposed.
9. Copy of the State Register, Volume 9, Number 25, December 17, 1984, in which the rule was published.
10. Statement of Need and Reasonableness.
11. Written comment on the proposed rule received by the Department of Revenue.
12. Statement of Compliance with Rulemaking Procedure.
13. Notice of Submission to the Attorney General.

Please contact me if there are any questions.

Sincerely,

Luci Mitchell

LUCI MITCHELL, Attorney
Commissioner's Staff

LM:dlw
Enclosures

AN EQUAL OPPORTUNITY EMPLOYER

Approval
SF-00006-03

STATE OF MINNESOTA

DEPARTMENT REVISOR OF STATUTES

Office Memorandum

TO: Luci Mitchell
Department of Revenue

DATE: 3/6/85

FROM: Janet C. Rahm
Senior Assistant Revisor

PHONE: 296-0952

SUBJECT: AR0677 Solid Waste; Metropolitan Area Operators Fees

The revisor's office has approved your adopted rules.

After the rule is filed with the secretary of state, notify our office, and we will prepare a notice of adoption for submission to the State Register.

If you have any questions, please call.

CRS/ jka
Enclosure
ARO 677

Our File No. 1132

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-1-85
DATE FOR REVIEW 3-10-85
DATE DUE 3-15-85

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

Approved 3/15/85 (CDS) Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 3-18-85 Revisor approved 3/6/85
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 2.28.85 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 7.2.84 + comments

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement of impact

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

✓ Mailing list Certificate

✓ Publication in State Register
12.17.84 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 not submitted BUT rules contain changes.

LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

? Statement of Need and Reasonableness no 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
signed by agency atty.

? Affidavit of Mailing Notice of Submission to Attorney General
no requests - I think

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO ARTHUR C. ROEMER
Commissioner, Department of Revenue

DATE: 3-18-85

ATTN: LUCI A. MITCHELL
Department Attorney

FROM : LARRY D. STARNS LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules Relating to the Metropolitan Solid Waste Landfill Fee.

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 Revenue

Alcohol, Tobacco and Special Taxes

Adopted Rules Relating to Solid Waste; Metropolitan Area Operators' Fees

Rules as Adopted

METROPOLITAN SOLID WASTE LANDFILL FEE

8121.0100 SCOPE; PURPOSE.

Parts 8121.0100 to 8121.0500 govern the administration of the fee imposed upon operators accepting and disposing of solid waste at mixed municipal solid waste disposal facilities in the metropolitan area under Minnesota Statutes, sections 473.842 and 473.843.

8121.0200 DEFINITIONS.

The terms in parts 8121.0100 to 8121.0500 have the meanings given in the rules of the Pollution Control Agency and in Minnesota Statutes, chapters 115A, 116, 290, and 473. Terms of special significance to these parts are:

A. "Solid waste" is as defined in Minnesota Statutes, section 116.06, subdivision 10.

B. "Previous month" means a calendar month, however, an operator may elect to designate an alternate period of time not to exceed 31 days.

C. "Commissioner" means the commissioner of revenue.

D. "Rolloffs" means the common solid waste industry-wide standard applied to ~~an open top,~~ a movable container capable of being temporarily attached to a truck chassis, used primarily for transporting solid waste to a landfill or disposal site. ~~These vehicles are known to the industry as "noncompactor" vehicles.~~

8121.0300 DETERMINATION OF FEE.

Subpart 1. **Amount.** The fee due from an operator of a mixed municipal solid waste disposal facility in the

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metropolitan area on solid waste accepted for disposal is 50 cents per cubic yard of solid waste accepted for disposal. If the waste accepted is weighed, the fee due is 50 cents per 600 pounds.

Subp. 2. **Basis for calculation.** An operator of a facility that weighs waste may allow haulers to elect the method to be used for calculation of the fee on the haulers' vehicles.

A hauler making the election is to do so annually, prior to January 1, by notifying the landfill operator of the method for calculation of the fee to be used.

Haulers may elect a method to apply to the entire fleet or the election may be done on a vehicle by vehicle basis.

All invoices must indicate the method selected for the vehicles identified on the invoice.

The commissioner will approve identifiers to be attached to all vehicles which will allow the operator to easily detemine the basis for calculation of the fee.

If an election is not made by January 1, an operator will calculate the fee based on the ~~weight of the undesignated vehicle~~ same basis as the tipping fee is calculated.

On or before February 1 of each year, operators shall submit to the commissioner the list of elections made by all haulers.

Subp. 3. **Exception.** Upon request of a hauler, the landfill operator may calculate the fee for rolloffs on a load by load basis. Each invoice is to reflect the basis for the calculation of the fee. The tipping fee and state fee are to be calculated on the same basis.

8121.0400 REPORTING REQUIREMENTS.

Subpart 1. **Returns; payment of fee.** A return, on a form designed by the commissioner, must be submitted by all operators to the commissioner no later than the 20th day of the following month. Payment of the fee due must accompany the return. A mixed municipal solid waste facility may use an accounting period other than a calendar month but only after receiving approval from the commissioner.

OFFICE BY:

Failure to file the return or pay the fee due is subject to the penalties in Minnesota Statutes, sections 290.46, 290.47, and 290.53. The operator shall maintain records sufficient to document the information required on the returns. All records must be maintained for four years.

Records required to be maintained include bills, receipts, invoices, cash register tapes, other documents or original entry supporting the entries in the books of account, and all schedules and working papers used in preparation of the tax report.

Original records are required unless prior approval has been obtained from the commissioner to use microfilm. Approval will be given after all aspects of the microfilming process have been inspected by the commissioner. Electronic data processing records must provide a method of producing visible and legible records from the machine. Machine sensible records are to be maintained in the same manner as printed records and are to verify the taxpayers' liabilities. In addition, all electronic data processing accounting systems must provide:

A. a general ledger with source references;

B. an identifiable audit trail;

C. the capability of tracing any transaction back to the original source or forward to a final total;

D. adequate record retention facilities for the storage of all supporting documents;

E. a general description of the electronic data processing system to include programming technique, codes, glossary, abbreviations used, standard operating procedures, control procedures, change log, and operator instructions.

Subp. 2. Invoices. In addition to the requirements in subpart 1, every operator of a facility shall prepare an invoice, in duplicate, for each individual shipment of solid waste received and accepted at the facility. Each invoice must include the following: the customer's name and address, weight of the waste in pounds if the fee is calculated on weight or volume of the waste in cubic yards, and a means of vehicle

identification that will establish the amount of waste delivered to the landfill by each vehicle when a customer operates more than one vehicle for the purpose of hauling and disposing of waste. The duplicate copy of the invoice must be retained at the disposal facility, or otherwise be available from the operator, for not less than 18 months.

The amount of the fee charged, if any, must be shown separately on each invoice, except that when a customer receives a periodic billing statement, the statement must separately show the total amount of solid waste fee due, as well as the number of cubic yards or the pound equivalent received at the facility by each vehicle of the customer during the billing period.

For customers with multiple vehicles hauling, the operator may modify the above requirement by issuing a statement when the customer is billed.

For nonrepetitive single vehicle customers or for loads containing less than three cubic yards, the invoice does not need to show the customer's name and address.

If an operator has a flat disposal fee policy for certain vehicles or loads, the state fee assessed is 50 cents for automobiles and $1.50 for pickup trucks, trailers, and other vehicles containing three cubic yards or less.

8121.0500 EXEMPTIONS.

Subpart 1. Energy and resource recovery facilities. Facilities seeking exemption must apply to the commissioner before solid waste is taken to a mixed municipal solid waste disposal facility.

In order for an energy and resource recovery facility to qualify for this exemption, the energy and resource recovery facility shall make application to the commissioner, providing the commissioner with records showing volume of waste received, amount of recycled product, and the amount of disposal solid waste residue.

When the commissioner has approved the exemption of an energy and resource recovery facility in consultation with the Pollution Control Agency, the energy and resource recovery

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facility shall present to the operator of a mixed municipal solid waste disposal facility a statement of exemption requesting the 50 percent reduction. The statement must be on a form designed by the commissioner.

The statement of exemption must be signed and dated by the operator and attached to the report upon which the exemption is taken. The exemption must be claimed on the report for the month that it is allowed to the energy and resource recovery facility.

Subp. 2. **Metalcasting facilities.** For the period January 1, 1985, to December 31, 1987, nonhazardous solid waste from metalcasting facilities are not taxable if a statement of exemption is presented to the operator at the time the waste is brought to the facility. The form will be designed by the commissioner. The operator shall sign and date the statement of exemption and attach it to the operator's monthly report.

Subp. 3. **Operating waste.** When solid waste that is accepted at a mixed municipal solid waste facility is not disposed of in the body of the facility, but is to be used in the operation of the facility, ~~for example, daily or final cover, lining material, and road bed,~~ the solid waste may be exempt from the amount of fee charged. The generator of waste qualifying for this exemption must first obtain approval of the Minnesota Pollution Control Agency as to the suitability of the material for the intended use.

Upon receipt of authorization for the exemption from the Pollution Control Agency, the commissioner will provide the generator with an appropriate statement of exemption. The commissioner may revoke an exemption upon a finding that the use of the material is not consistent with the use for which the exemption was granted.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 1 8 1985
Joan Anderson Growe
Secretary of State

10:15AM

APPROVED AS TO LEGALITY

March 15, 19 85

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed (all new material)

METROPOLITAN SOLID WASTE LANDFILL FEE

8121.0100 SCOPE; PURPOSE.

Parts 8121.0100 to 8121.0500 govern the administration of the fee imposed upon operators accepting and disposing of solid waste at mixed municipal solid waste disposal facilities in the metropolitan area under Minnesota Statutes, sections 473.842 and 473.843.

8121.0200 DEFINITIONS.

The terms in parts 8121.0100 to 8121.0500 have the meanings given in the rules of the Pollution Control Agency and in Minnesota Statutes, chapters 115A, 116, 290, and 473. Terms of special significance to these parts are:

A. "Solid waste" is as defined in Minnesota Statutes, section 116.06, subdivision 10.

B. "Previous month" means a calendar month, however, an operator may elect to designate an alternate period of time not to exceed 31 days.

C. "Commissioner" means the commissioner of revenue.

D. "Rolloffs" means the common solid waste industry-wide standard applied to an open-top, movable container capable of being temporarily attached to a truck chassis, used primarily for transporting solid waste to a landfill or disposal site. These vehicles are known to the industry as "noncompactor" vehicles.

8121.0300 DETERMINATION OF FEE.

Subpart 1. **Amount.** The fee due from an operator of a mixed municipal solid waste disposal facility in the metropolitan area on solid waste accepted for disposal is 50 cents per cubic yard of solid waste accepted for disposal. If the waste accepted is weighed, the fee due is 50 cents per 600 pounds.

Subp. 2. **Basis for calculation.** An operator of a facility that weighs waste may allow haulers to elect the method to be

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used for calculation of the fee on the haulers' vehicles.

A hauler making the election is to do so annually, prior to January 1, by notifying the landfill operator of the method for calculation of the fee to be used.

Haulers may elect a method to apply to the entire fleet or the election may be done on a vehicle by vehicle basis.

All invoices must indicate the method selected for the vehicles identified on the invoice.

The commissioner will approve identifiers to be attached to all vehicles which will allow the operator to easily detemine the basis for calculation of the fee.

If an election is not made by January 1, an operator will calculate the fee based on the weight of the undesignated vehicle.

On or before February 1 of each year, operators shall submit to the commissioner the list of elections made by all haulers.

Subp. 3. **Exception.** The landfill operator may calculate the fee for rolloffs on a load by load basis. Each invoice is to reflect the basis for the calculation of the fee. The tipping fee and state fee are to be calculated on the same basis.

8121.0400 REPORTING REQUIREMENTS.

Subpart 1. **Returns; payment of fee.** A return, on a form designed by the commissioner, must be submitted by all operators to the commissioner no later than the 20th day of the following month. Payment of the fee due must accompany the return. A mixed municipal solid waste facility may use an accounting period other than a calendar month but only after receiving approval from the commissioner.

Failure to file the return or pay the fee due is subject to the penalties in Minnesota Statutes, sections 290.46, 290.47, and 290.53. The operator shall maintain records sufficient to document the information required on the returns. All records must be maintained for four years.

Records required to be maintained include bills, receipts, invoices, cash register tapes, other documents or original entry

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supporting the entries in the books of account, and all schedules and working papers used in preparation of the tax report.

Original records are required unless prior approval has been obtained from the commissioner to use microfilm. Approval will be given after all aspects of the microfilming process have been inspected by the commissioner. Electronic data processing records must provide a method of producing visible and legible records from the machine. Machine sensible records are to be maintained in the same manner as printed records and are to verify the taxpayers' liabilities. In addition, all electronic data processing accounting systems must provide:

A. a general ledger with source references;

B. an identifiable audit trail;

C. the capability of tracing any transaction back to the original source or forward to a final total;

D. adequate record retention facilities for the storage of all supporting documents;

E. a general description of the electronic data processing system to include programming technique, codes, glossary, abbreviations used, standard operating procedures, control procedures, change log, and operator instructions.

Subp. 2. **Invoices.** In addition to the requirements in subpart 1, every operator of a facility shall prepare an invoice, in duplicate, for each individual shipment of solid waste received and accepted at the facility. Each invoice must include the following: the customer's name and address, weight of the waste in pounds if the fee is calculated on weight or volume of the waste in cubic yards, and a means of vehicle identification that will establish the amount of waste delivered to the landfill by each vehicle when a customer operates more than one vehicle for the purpose of hauling and disposing of waste. The duplicate copy of the invoice must be retained at the disposal facility, or otherwise be available from the operator, for not less than 18 months.

The amount of the fee charged, if any, must be shown

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separately on each invoice, except that when a customer receives a periodic billing statement, the statement must separately show the total amount of solid waste fee due, as well as the number of cubic yards or the pound equivalent received at the facility by each vehicle of the customer during the billing period.

For customers with multiple vehicles hauling, the operator may modify the above requirement by issuing a statement when the customer is billed.

For nonrepetitive single vehicle customers or for loads containing less than three cubic yards, the invoice does not need to show the customer's name and address.

If an operator has a flat disposal fee policy for certain vehicles or loads, the state fee assessed is 50 cents for automobiles and $1.50 for pickup trucks, trailers, and other vehicles containing three cubic yards or less.

8121.0500 EXEMPTIONS.

Subpart 1. **Energy and resource recovery facilities.** Facilities seeking exemption must apply to the commissioner before solid waste is taken to a mixed municipal solid waste disposal facility.

In order for an energy and resource recovery facility to qualify for this exemption, the energy and resource recovery facility shall make application to the commissioner, providing the commissioner with records showing volume of waste received, amount of recycled product, and the amount of disposal solid waste residue.

When the commissioner has approved the exemption of an energy and resource recovery facility in consultation with the Pollution Control Agency, the energy and resource recovery facility shall present to the operator of a mixed municipal solid waste disposal facility a statement of exemption requesting the 50 percent reduction. The statement must be on a form designed by the commissioner.

The statement of exemption must be signed and dated by the operator and attached to the report upon which the exemption is taken. The exemption must be claimed on the report for the

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OFFICE BY:

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Subp. 2. **Metalcasting facilities.** For the period January 1, 1985, to December 31, 1987, nonhazardous solid waste from metalcasting facilities are not taxable if a statement of exemption is presented to the operator at the time the waste is brought to the facility. The form will be designed by the commissioner. The operator shall sign and date the statement of exemption and attach it to the operator's monthly report.

Subp. 3. **Operating waste.** When solid waste that is accepted at a mixed municipal solid waste facility is not disposed of in the body of the facility, but is to be used in the operation of the facility, for example, daily or final cover, lining material, and road bed, the solid waste may be exempt from the amount of fee charged. The generator of waste qualifying for this exemption must first obtain approval of the Minnesota Pollution Control Agency as to the suitability of the material for the intended use.

Upon receipt of authorization for the exemption from the Pollution Control Agency, the commissioner will provide the generator with an appropriate statement of exemption. The commissioner may revoke an exemption upon a finding that the use of the material is not consistent with the use for which the exemption was granted.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD677

Agency: Department of Revenue

Division: Alcohol, Tobacco, and Special Taxes

Agency Contact: Luci Mitchell, 296-1022

Minnesota Rules: Parts 8121.0100 to 8121.0500

Title: Proposed Rules Relating to Solid Waste; Metropolitan Area Operators' Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Janet C. Rahm
Senior Assistant Revisor
Phone: 296-0952
Date: November 29, 1984

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO, AND SPECIAL TAXES DIVISION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO THE METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 TO 8121.0500)

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 December 17, 1984, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 15.0412, subdivision 4, on December 12, 1984. 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 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 (8121.0100 to 8121.0500) The Metropolitan Solid Waste Landfill Fee are adopted this 28th day of February, 1985, pursuant to authority vested in me by Minnesota Statutes Section 473.843.

STATE OF MINNESOTA
DEPARTMENT OF REVENUE

Arthur C. Roemer

ARTHUR C. ROEMER
Commissioner of Revenue

Board of Psychology

Notice of Intent to Increase Fee for Examination

Pursuant to Minn. Stat. § 16A.128 (1982), the Board of Psychology is raising the fee for the application for examination from the present $75.00 to $100.00, effective for the October 26, 1984, professional examination, due to the examination service increasing the cost of the examination by a corresponding amount. The increase in fees is adopted without a public hearing because it is anticipated that the total fees collected including the increase during the fiscal biennium will not exceed the sum of all direct appropriations, indirect costs, transfers in, and salary supplements for the biennium.

Department of Revenue
Alcohol, Tobacco and Special Taxes Division

Outside Opinion Sought Regarding Implementation of Metropolitan Solid Waste Landfill Fee Rules

NOTICE IS HEREBY GIVEN that the Minnesota Department of Revenue, in response to Legislative action, is seeking information and opinions from sources outside the department on the development of a solid waste landfill rule. The rule would address the collection and administration of the fee and establish a formula to convert weighed waste to equivalent cubic yards and the exemption qualification for the residue of processed waste.

Interested persons or groups may submit written statements of information. Statements will be accepted until July 20, 1984, and should be sent to:

Howard W. Anderson
Minnesota Department of Revenue
Alcohol, Tobacco and Special Taxes Division
P.O. Box 64446
St. Paul, Minnesota 55164

Any written material shall be a part of the hearing record in the event a rule is proposed and a public hearing is held.

Department of Transportation

Notice of Availability of FONSI for Programmatic Environmental Assessment for Reconveyances, Temporary Use Permits, and Access Control Changes

In accordance with the requirements of 23 CFR 771.121, notice is hereby given that the Minnesota Department of Transportation (Mn/DOT) is affording an opportunity for the public to review a separate written finding of no significant impact (FONSI) incorporating the Programmatic Environmental Assessment (Various Projects Statewide) for Reconveyances, Temporary Use Permits, and Access Control Changes.

The FONSI incorporates the Programmatic Environmental Assessment (EA) which was prepared to cover the above right of way related actions that would have little or no impact on the environment. However, these actions have not been specifically listed as federal Categorical Exclusions and must each be documented by a separate EA or covered under an EA of this type.

These documents are available for public review at the Road Plans Information Office, Room 609, State Transportation Building at St. Paul.

Any adult person wishing to review or discuss either the FONSI or the Programmatic EA should write or call Mr. Delbert Gerdes at the address or phone number listed below.

Delbert Gerdes
Project Liaison Engineer
Mn/DOT
Room 716, Transportation Building
St. Paul, Minnesota 55155
Phone: (612) 296-6750

Richard P. Braun
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO AND SPECIAL TAXES

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO THE METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 to 8121.0500)

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED this 3rd day of December, 1984, that a Notice of Intent to Adopt a Rule Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State 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

Date: December 3, 1984

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO AND SPECIAL TAXES

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO THE METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 to 8121.0500)

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

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

Persons interested in this rule shall have thirty days to submit comments in support of or in opposition to the proposed rule. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comments, and any changes proposed. The proposed rule 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 twenty-five or more persons submit written requests for a public hearing on the proposed rule within the thirty-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 Statute, §§ 14.13 - 14.20.

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

Howard Anderson, Director
Alcohol, Tobacco & Special Taxes Division
Minnesota Department of Revenue
9th Floor Capitol Square Building
St. Paul, Minnesota 55101
Telephone: (612) 296-3482

Authority for the adoption of this rule is contained in Minnesota Statutes § 473.843, sub. 6. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available from Howard Anderson upon request. A copy of the proposed rule is also available from Howard Anderson.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule 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 Howard W. Anderson.

The rule proposed for adoption relates to the administration of the fee imposed upon landfill operators accepting and disposing of solid waste at mixed municipal solid waste disposal facilities in the metropolitan area. Notice is hereby given pursuant to M. S. 14.115, subd. 4, that this proposed rule will have an economic and administrative impact on small businesses.

While the statute establishes the fee, the Commissioner has, in consultation with industry representatives, established a reporting system that minimizes the burden on the operators. The Statement of Need and Reasonableness further sets forth the efforts by the Commissioner to minimize the administrative burden necessarily incident to the collection of the fee.

Date: December 3, 1984

Arthur C. Roemer

ARTHUR C. ROEMER
Commissioner of Revenue

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO AND SPECIAL TAXES

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 TO 8121.0500)

AFFIDAVIT OF THE MAILING

Donna L. Walbridge, being first duly sworn, deposes and says:

That on the 12th day of December, 1984, at the city of St. Paul, county of Ramsey, state of Minnesota, she served the attached Notice of Intent to Adopt a Rule Without a 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 first-class postage prepaid, to all persons and associations who have requested that their names be placed on file with the Minnesota Department of Revenue for the purpose of receiving notice of the proposed adoption of rules by this Department.

Donna L Walbridge

DONNA L. WALBRIDGE

Subscribed and sworn to before me this 12th day of December, 1984.

Patricia Zentzis

PATRICIA ZENTZIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 19, 1989

MAILING LIST FOR OFFICIAL NOTICE OF AGENCY RULEMAKING #1

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

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

Mr. Allard, C.P.A.
201 West Burnsville Parkway
Suite 130M
Burnsville, MN 55337

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
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STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO AND SPECIAL TAXES

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 TO 8121.0500)

AFFIDAVIT OF THE MAILING

Donna L. Walbridge, being first duly sworn, deposes and says:

That on the 12th day of December, 1984, at the city of St. Paul, county of Ramsey, state of Minnesota, she served the attached Notice of Intent to Adopt a Rule Without a 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 first-class postage prepaid, to the 31 individuals whose names and addresses appear on the attached two typewritten pages.

Donna L Walbridge

DONNA L. WALBRIDGE

Subscribed and sworn to before me this 12th day of December, 1984.

Patricia Zentzis

PATRICIA ZENTZIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 19, 1989

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STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO AND SPECIAL TAXES

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO THE METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 to 8121.0500

CERTIFICATE OF COMPLETENESS AND ACCURACY

I hereby certify that the attached pages number 1 through 29 consisting of 331 typewritten names and addresses constitute the complete list of persons, associations and other interested groups who, as of 8 o'clock a.m., this 12th day of December, 1984, 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
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COMMISSIONER OF REVENUE

BY: Donna Walbridge
Donna Walbridge
Commissioner's Staff

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Executive Director

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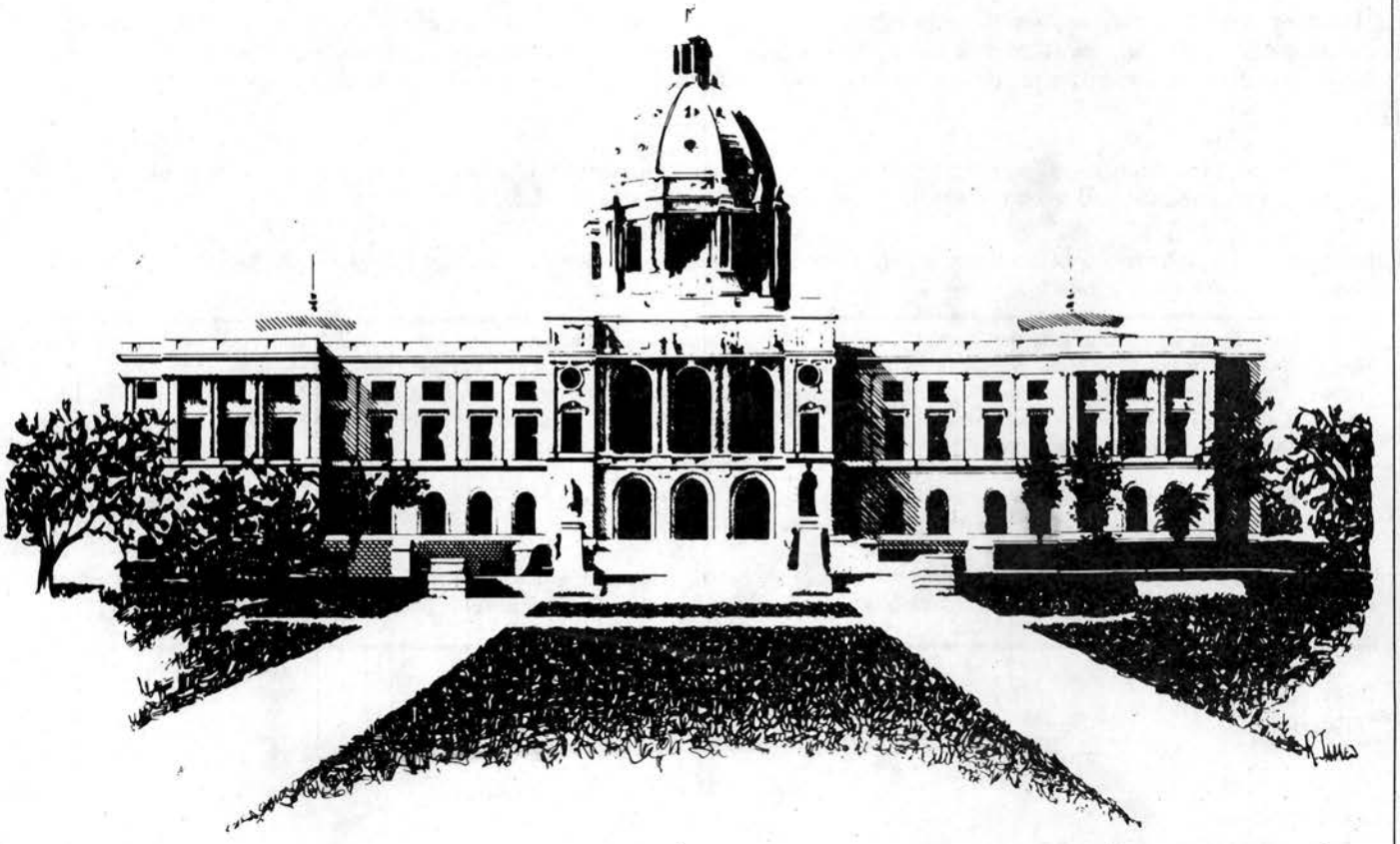

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STATE REGISTER

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 9		
26	Monday Dec 10	Friday Dec 14	Monday Dec 24
27	Friday Dec 14	Thursday Dec 20	Monday Dec 31
28	Thursday Dec 20	Thursday Dec 27	Monday Jan 7
29	Thursday Dec 27	Monday Jan 7	Monday Jan 7

*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 also.

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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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

Pursuant to Minn. Stat. of 1982, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.**

If, during the 30-day comment period, 25 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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Revenue
Alcohol, Tobacco and Special Taxes

Proposed Rules Relating to Solid Waste; Metropolitan Area Operators' Fees

Notice of Intent to Adopt a Rule without a Public Hearing

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

Persons interested in this rule shall have thirty days to submit comments in support of or in opposition to the proposed rule. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comments, and any changes proposed. The proposed rule 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 twenty-five or more persons submit written requests for a public hearing on the proposed rule within the thirty-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 Statute, §§ 14.13-14.20.

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

Howard Anderson, Director
Alcohol, Tobacco & Special Taxes Division
Minnesota Department of Revenue
9th Floor Capitol Square Building
St. Paul, Minnesota 55101
Telephone: (612) 296-3482

Authority for the adoption of this rule is contained in Minnesota Statutes § 473.843, sub. 6. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available from Howard Anderson upon request. A copy of the proposed rule is also available from Howard Anderson.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule 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 Howard W. Anderson.

The rule proposed for adoption relates to the administration of the fee imposed upon landfill operators accepting and disposing of solid waste at mixed municipal solid waste disposal facilities in the metropolitan area. Notice is hereby given pursuant to M.S. 14.115, subd. 4, that this proposed rule will have an economic and administrative impact on small businesses. While the statute establishes the fee, the Commissioner has, in consultation with industry representatives, established a reporting system that minimizes the burden on the operators. The Statement of Need and Reasonableness further sets forth the efforts by the Commissioner to minimize the administrative burden necessarily incident to the collection of the fee.

December 3, 1984

Arthur C. Roemer
Commissioner of Revenue

Rules as Proposed (all new material)

METROPOLITAN SOLID WASTE LANDFILL FEE

8121.0100 SCOPE; PURPOSE.

Parts 8121.0100 to 8121.0500 govern the administration of the fee imposed upon operators accepting and disposing of solid waste at mixed municipal solid waste disposal facilities in the metropolitan area under Minnesota Statutes, sections 473.842 and 473.843.

8121.0200 DEFINITIONS.

The terms in parts 8121.0100 to 8121.0500 have the meanings given in the rules of the Pollution Control Agency and in Minnesota Statutes, chapters 115A, 116, 290, and 473. Terms of special significance to these parts are:

A. "Solid waste" is as defined in Minnesota Statutes, section 116.06, subdivision 10.

B. "Previous month" means a calendar month, however, an operator may elect to designate an alternate period of time not to exceed 31 days.

C. "Commissioner" means the commissioner of revenue.

D. "Rolloffs" means the common solid waste industry-wide standards applied to an open-top, movable container capable of being temporarily attached to a truck chassis, used primarily for transporting solid waste to a landfill or disposal site. These vehicles are known to the industry as "noncompactor" vehicles.

8121.0300 DETERMINATION OF FEE.

Subpart 1. Amount. The fee due from an operator of a mixed municipal solid waste disposal facility in the metropolitan area on solid waste accepted for disposal is 50 cents per cubic yard of solid waste accepted for disposal. If the waste accepted is weighed, the fee due is 50 cents per 600 pounds.

Subp. 2. Basis for calculation. An operator of a facility that weighs waste may allow haulers to elect the method to be used for calculation of the fee on the haulers' vehicles.

A hauler making the election is to do so annually, prior to January 1, by notifying the landfill operator of the method for calculation of the fee to be used.

Haulers may elect a method to apply to the entire fleet or the election may be done on a vehicle by vehicle basis.

All invoices must indicate the method selected for the vehicles identified on the invoice.

The commissioner will approve identifiers to be attached to all vehicles which will allow the operator to easily determine the basis for calculation of the fee.

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.

If an election is not made by January 1, an operator will calculate the fee based on the weight of the undesignated vehicle.

On or before February 1 of each year, operators shall submit to the commissioner the list of elections made by all haulers.

Subp. 3. Exception. The landfill operator may calculate the fee for rolloffs on a load by load basis. Each invoice is to reflect the basis for the calculation of the fee. The tipping fee and state fee are to be calculated on the same basis.

8121.0400 REPORTING REQUIREMENTS.

Subpart 1. Returns; payment of fee. A return, on a form designed by the commissioner, must be submitted by all operators to the commissioner no later than the 20th day of the following month. Payment of the fee due must accompany the return. A mixed municipal solid waste facility may use an accounting period other than a calendar month but only after receiving approval from the commissioner.

Failure to file the return or pay the fee due is subject to the penalties in Minnesota Statutes, sections 290.46, 290.47, and 290.53. The operator shall maintain records sufficient to document the information required on the returns. All records must be maintained for four years.

Records required to be maintained include bills, receipts, invoices, cash register tapes, other documents or original entry supporting the entries in the books of account, and all schedules and working papers used in preparation of the tax report.

Original records are required unless prior approval has been obtained from the commissioner to use microfilm. Approval will be given after all aspects of the microfilming process have been inspected by the commissioner. Electronic data processing records must provide a method of producing visible and legible records from the machine. Machine sensible records are to be maintained in the same manner as printed records and are to verify the taxpayers' liabilities. In addition, all electronic data processing accounting systems must provide:

A. a general ledger with source references;

B. an identifiable audit trail;

C. the capability of tracing any transaction back to the original source or forward to a final total;

D. adequate record retention facilities for the storage of all supporting documents;

E. a general description of the electronic data processing system to include programming technique, codes, glossary, abbreviations used, standard operating procedures, control procedures, change log, and operator instructions.

Subp. 2. Invoices. In addition to the requirements in subpart 1, every operator of a facility shall prepare an invoice, in duplicate, for each individual shipment of solid waste received and accepted at the facility. Each invoice must include the following: the customer's name and address, weight of the waste in pounds if the fee is calculated on weight or volume of the waste in cubic yards, and a means of vehicle identification that will establish the amount of waste delivered to the landfill by each vehicle when a customer operates more than one vehicle for the purpose of hauling and disposing of waste. The duplicate copy of the invoice must be retained at the disposal facility, or otherwise be available from the operator, for not less than 18 months.

The amount of the fee charged, if any, must be shown separately on each invoice, except that when a customer receives a periodic billing statement, the statement must separately show the total amount of solid waste fee due, as well as the number of cubic yards or the pound equivalent received at the facility by each vehicle of the customer during the billing period.

For customers with multiple vehicles hauling, the operator may modify the above requirement by issuing a statement when the customer is billed.

For nonrepetitive single vehicle customers or for loads containing less than three cubic yards, the invoice does not need to show the customer's name and address.

If an operator has a flat disposal fee policy for certain vehicles or loads, the state fee assessed is 50 cents for automobiles and $1.50 for pickup trucks, trailers, and other vehicles containing three cubic yards or less.

8121.0500 EXEMPTIONS.

Subpart 1. Energy and resource recovery facilities. Facilities seeking exemption must apply to the commissioner before solid waste is taken to a mixed municipal solid waste disposal facility.

In order for an energy and resource recovery facility to qualify for this exemption, the energy and resource recovery facility shall make application to the commissioner, providing the commissioner with records showing volume of waste received, amount of recycled product, and the amount of disposal solid waste residue.

When the commissioner has approved the exemption of an energy and resource recovery facility in consultation with the Pollution Control Agency, the energy and resource recovery facility shall present to the operator of a mixed municipal solid

waste disposal facility a statement of exemption requesting the 50 percent reduction. The statement must be on a form designed by the commissioner.

The statement of exemption must be signed and dated by the operator and attached to the report upon which the exemption is taken. The exemption must be claimed on the report for the month that it is allowed to the energy and resource recovery facility.

Subp. 2. Metalcasting facilities. For the period January 1, 1985, to December 31, 1987, nonhazardous solid waste from metalcasting facilities are not taxable if a statement of exemption is presented to the operator at the time the waste is brought to the facility. The form will be designed by the commissioner. The operator shall sign and date the statement of exemption and attach it to the operator's monthly report.

Subp. 3. Operating waste. When solid waste that is accepted at a mixed municipal solid waste facility is not disposed of in the body of the facility, but is to be used in the operation of the facility; for example, daily or final cover, lining material, and road bed, the solid waste may be exempt from the amount of fee charged. The generator of waste qualifying for this exemption must first obtain approval of the Minnesota Pollution Control Agency as to the suitability of the material for the intended use.

Upon receipt of authorization for the exemption from the Pollution Control Agency, the commissioner will provide the generator with an appropriate statement of exemption. The commissioner may revoke an exemption upon a finding that the use of the material is not consistent with the use for which the exemption was granted.

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.

Office of the Attorney General Consumer Division

Public Meeting Concerning Legal Rights and Obligations of Owners and Tenants of Rental Dwellings

The Minnesota Attorney General's Office, Consumer Division, will hold a public meeting on Monday, January 14, 1985, at 7:00 p.m., to receive comments on the content of the statement it has prepared in compliance with Minn. Stat. § 504.22. Section 504.22, subd. 2a, requires the Attorney General to "prepare and make available to the public a statement which summarizes the significant legal rights and obligations of owners and tenants of rental dwelling units" and to "hold a public meeting to discuss the statement and receive comments on its contents before it is issued."

The meeting will be held in Room D (5th Floor) of the Veterans Services Building, 20 West 12th Street, St. Paul, Minnesota.

Department of Human Services

Outside Opinion Sought Concerning Proposed Rules Governing the Relocation of Nursing Home Residents

Notice is hereby given that the Minnesota Department of Human Services is considering the adoption of 12 MCAR § 2.04601 [Temporary] as a permanent 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.

This rule is authorized by Laws of Minnesota 1983, chapter 199, section 5, subdivison 4, and governs the services that local social service agencies are required to provide for the benefit of residents of long-term care facilities when there are relocations.

There are no proposed changes in the rule.

All interested or affected persons or groups are requested to participate. Statements of information and comments may be made orally or in writing. Written statements of information and comments may be addressed to:

Barbara Doherty
Department of Human Services
Adult Protection Consultant
4th floor—Centennial Building
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-4019.

All statements of information and comments will be accepted until further notice is given. Any written material received by the Department shall become part of the rulemaking record.

Metropolitan Council

Public Hearing on a Revision to the Air Quality Control Plan Supplement to the Transportation Chapter of the Metropolitan Development Guide

The Metropolitan Council will hold a public hearing Thursday, January 3, 1985, at 7:00 p.m. at the Hamline Branch Library, 1558 West Minnehaha, St. Paul, Minnesota, on a draft revision to its Air Quality Control Plan. The revision recommends the City of St. Paul change traffic signal timing in the vicinity of Snelling and University Avenues in order to meet federal Air Quality Standards for Carbon Monoxide by 1987. All interested people are encouraged to attend the hearing and offer comments. People may register to speak in advance by contacting Ann Braden of the Council's Transportation Planning staff at 291-6525. Questions on the proposed revision should also be directed to her. Copies of the draft Air Quality Control Plan are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning December 7 at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55401

St. Paul Public Library
Science and Industry Room
90 West Fourth Street
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch
707 Highway 10
Blaine, Minnesota 55434

Carver County Library—Chaska Branch
314 Walnut Street
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch
1101 West County Road 42
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch
7001 York Avenue
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520-80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair
Metropolitan Council

Metropolitan Council

Public Hearing on the Revised Capital Improvement Program Portion of the Recreation Open Space Chapter of the Metropolitan Development Guide

The Metropolitan Council will hold a public hearing Monday, January 7, 1985, at 4 p.m. in the Metropolitan Council Chambers, 300 Metro Square Bldg., St. Paul, Minnesota, on the revised Capital Improvement Program for Recreation Open Space. This revision incorporates the list of approved projects and funds allocated for the 1986 state fiscal year, which matches legislative authorizations of the 1984 session. It proposes a new list of projects and allocations for the 1987 fiscal year.

All interested people are encouraged to attend the hearing and offer comments. People may register to speak in advance by contacting Jack Mauritz of the Council's Parks and Open Space staff at 291-6602. Questions on the proposed revision should also be directed to him. Copies of the draft CIP are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning December 5 at the following locations:

Metropolitan Council Library
300 Metro Square Bldg.
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55401

St. Paul Public Library
Science and Industry Room
90 West Fourth Street
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch
707 Highway 10
Blaine, Minnesota 55434

Carver County Library—Chaska Branch
314 Walnut Street
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch
1101 West County 42
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch
7001 York Avenue
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington Co. Library—Park Grove Branch
7520-80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring
Chair

State Planning Agency
Human Services Division
Developmental Disabilities Program

Meeting of Institutional Care and Economic Impact Planning Board

The next meeting of the Institutional Care and Economic Planning Board will be held on Friday, December 21, 1984 from 9:00 a.m. to 12:00 noon in Conference Rooms A & B of Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. The meeting is open to the public, but seating is limited.

The final meeting of this board will be in January. The specific date will be announced at this meeting.

For additional information contact:

Colleen Wieck, Executive Director
Developmental Disabilities Program
(612) 296-9964

State Retirement System

Regular Meeting, Board of Directors

A meeting of the Board of Directors, Minnesota State Retirement System will be held on Friday, December 21, 1984, at 8:30 a.m., in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Water Resources Board

Change of Address

Effective December 17, 1984 the address of the Minnesota Water Resources Board will be changed to:

Minnesota Water Resources Board
First Floor
500 Lafayette Road
St. Paul, Minnesota 55146

The telephone number will stay the same—612-296-2840.

Mel Sinn
Executive Director

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.

Commodities contracts with an estimated value of $5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
Sch. 168-SP	Steel Flanged Channel Sign Posts	Transportation	Various	Contact buyer
66-100-03185	Elevator Maintenance Service	Anoka State Hospital	Anoka	Contact buyer
4036-14764, 26071	Codabar CISI Library Bar Code Labels	Mankato State University	Mankato	Contact buyer
29-000-36989	Lumber		Preston	Contact buyer
26-072-09128	Purchase of Photocopy Machines	Moorhead State University	Moorhead	Contact buyer
13-525-07502	Purchase of Photocopy Machine	MN Dept. of Commerce	St. Paul	Contact buyer
Contract	Dishwashing Detergent, etc.	Various	Various	Contact buyer
Contract	Janitorial Cleaning Supplies	Various	Various	$80,000-$90,000
79-000-44878	Drafting Supplies	Transportation	Admin. Services Rm. B-20 Transportation Bldg. St. Paul	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
Sch. 92 DF	Premium Grade #2 Diesel Fuel	Various	Various	Contact buyer
Re-bid 78-620-20633 & 20634	Steel		Stillwater	Contact buyer
78-640-01234	Purchase of Photocopy Machine	MN Correctional Facility	St. Paul	Contact buyer
27-156-43589	Fertilizer & Herbicide Application	Normandale Community College	Bloomington	Contact buyer
78-830-07262	Dunnage Racks	MN Correctional Facility	St. Cloud	Contact buyer
06-000-05016	Rental of Photocopy Machine	Attorney General	St. Paul	Contact buyer
4386-02335-10200	Biennial Budget Books	Finance	St. Paul	Contact buyer
43-000-05810	Portable Radio's	Giant's Ridge	Biwabik	Contact buyer
Various	Misc. Hospital Supplies	Various	Various	Contact buyer
26-071-14732	Laboratory	Mankato State University	Mankato	Contact buyer
26-073-17120	Binoculor Telescope	St. Cloud State University	St. Cloud	Contact buyer
26-073-17143	Misc. Lab Equip.	St. Cloud State University	St. Cloud	Contact buyer
26-073-17018	Student Workstation	St. Cloud State University	St. Cloud	Contact buyer
26-073-17017	Meters	St. Cloud State University	St. Cloud	Contact buyer
26-071-14807	Misc. Lab Supply	Mankato State University	Mankato	Contact buyer
26-073-17142	Spectrophotometer	St. Cloud State University	St. Cloud	Contact buyer
07-100-32994 07-100-32872	Infant/Child Car Seats	Public Safety	Various	Contact buyer
37-090-02018	Purchase of Photocopy Machine	Education	St. Paul	Contact buyer
26-073-17088	Motorcycles	St. Cloud State University	St. Cloud	Contact buyer
79-000-44898	Electric Generating System	Transportation	Various	Contact buyer
29-000-37053	Containerized Seedlings	Natural Resources—Southern Service Center	Pick-up	Contact buyer
02-307-45079	Preventative Maintenance Service Contract for Carrier & Trane Water Chillers	Plant Management	St. Paul	Contact buyer
78-630-06231	Blankets		Oak Park Heights	Contact buyer
07-700-32905 (4402-3)	DVS/Bicycle & Motorcycle/Crime	Public Safety	St. Paul	Contact buyer
07-100-32898				
02-430-44555	Upgrade of Telephone System	Health	Minneapolis	Contact buyer
79-350-PC	Portland Cement	Transportation	St. Cloud	Contact buyer
79-250-00295	Precast Cement Culvert	Transportation	Roseau County	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Economic Security

Request for Proposals for Technical Assistance on a Cooperative Data Project

The Department of Economic Security (DES) through its Office of Budget and Management, is seeking a consultant to perform an information needs analysis. This analysis would study programs in DES, the Minnesota Housing Finance Agency, the Department of Energy and Economic Development, and community action and other agencies to determine more uniform methods of data collection and reporting.

The analysis will be limited to the Energy Assistance Program, the Weatherization Program, the Community Services Block Grant, the Minnesota Economic Opportunity Grant, and the Rehabilitation Loan Program. The selected consultant is expected to recommend modifications of existing data collection, reporting, and storage and to propose additional systems if needed. The Department expects to spend about $40,000 for this study.

A copy of the Request for Proposal is available upon request. Inquiries and requests should be directed to:

Larry Simmons
Minnesota Department of Economic Security
Office of Budget and Management
Grants Management Unit
690 American Center Building
150 E. Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-6066

The project will commence on or about January 21, 1984 and be completed March 29, 1985. Proposals must be received by the Department of Economic Security, Office of Budget and Management, no later than 4:00 p.m., January 4, 1985.

Department of Energy and Economic Development

Grant to a City Which is Selected as the Site for a Foreign Manufacturing Development Facility

The Commissioner of the Department of Energy and Economic Development announces that a Grant of $100,000.00 is available for a city which is selected as the site for a foreign manufacturing development facility. The grant is authorized by Minn. Laws 1984, ch. 502, art. V, § 19 (the "session law"). The session law provides that the city may use the grant moneys to provide assistance to the foreign manufacturing development facility in the manner it determines appropriate.

Pursuant to the session law, the Commissioner has established the following eligibility requirements and application procedure for cities interested in applying for the grant.

To be eligible for consideration for this grant, the following criteria must be met.

1. The applicant must be a Minnesota Statutory City, i.e., a city which operates under Minn. Stat. ch. 412. Home Rule Charter cities are not eligible.

2. The applicant must be planning to begin, or must have recently begun a foreign manufacturing development project.

3. The development project must be a production and office facility financed, in whole or part, by an agency of a foreign government or a foreign corporation for the purpose of testing and developing the expertise of foreign firms manufacturing products in the United States.

Applicants that meet the aforementioned criteria will be considered by the Commissioner of Energy and Economic Development for receipt of the grant. The Commissioner will determine which eligible applicant will receive the grant by judging each applicant against the following criteria. Each of the following will be given equal weight by the Commissioner in making his final determination.

1. The overall importance of the project to the economy of the community in which it is located.
2. The amount of private financing that will be used for the projects' expansion, renovation, or erection.
3. The total number of jobs that will be created by the new facility.
4. The adequacy of the plans and the timetable for completion.

5. Qualifications if the personnel of the city and the developer is responsible for the project.

Application must be received by the Commissioner no later than 4:30 p.m., January 11, 1985.

Anyone interested in additional information on the grant, or anyone interested in obtaining an application for the grant, please contact:

Dick Fursman
Minnesota Department of Energy
and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 297-1172

Please note: Other department personnel are not allowed to discuss the grant with potential applicants prior to the submittal of the application.

Department of Human Services
Social Services Bureau

Request for Proposals for Foster Care Review Evaluations

Proposals are now being solicited from individuals and organizations qualified to assess the efficacy of three models of foster care review as implemented in a county social service agency. This evaluation will be funded by the Minnesota Department of Human Services and administered by the Hennepin County Community Services Department.

Specifically, the contractor will conduct an evaluation of an 18-month Foster Care Review pilot project which is being conducted in Hennepin County. The project will run from February 1, 1985 to August 1, 1986. Its purpose is to compare the effectiveness of three models of reviewing foster care placements. Prospective bidders may request copies of the Foster Care Review Project proposal and the state legislation from Bryant Johnson, Hennepin County Community Services Department, A-1008 Government Center, Minneapolis, Minnesota 55487.

The contractor will design and conduct interviews of social service personnel (social workers and administrators), court personnel (judges and referees), consumers (foster children and natural parents), and other key informants as identified (foster parents, advocates, etc.), in order to document the development, process, and outcomes of each review model. The evaluation will involve the secondary analysis of data collected by the Hennepin County Community Services Department on behalf of the Foster Care Review Project and the analysis of the information collected by the contractor. Hennepin County will provide data processing support (data entry and execution of programs) for SPSS, SAS, or FOCUS programs.

The contractor will submit a report comparing the models based on their ability to facilitate the timely implementation of permanency planning for children in an efficient and effective manner, their cost, and their feasibility in terms of statewide implementation. The report must be submitted to the Minnesota Department of Human Services by November 1, 1986, and will include recommendations based on findings.

Proposals for this contract must include a complete description of the applicant's qualifications and experience, especially as they relate to the field of permanency planning and the delivery of social services to children and families. Consulting organizations must submit the resume's of all persons who would be involved in the contract. All proposals must include a detailed description of the method proposed to acquire the necessary data and information. Proposals must include a detailed budget which specifies the amount of time and cost for each person involved.

Priority will be given to proposals which do not exceed $21,000 and which demonstrate an ability to perform consistent, qualified work over a extended timeframe.

The Hennepin County Community Services Department will award this contract after consulting with the Minnesota Department of Human Services and the technical advisory committee established to consult with this legislatively mandated pilot project. (The issuance of this RFP, however, does not require the county to award a contract.)

Four copies of each proposal should be submitted by 4:30 p.m., January 7, 1985, to: Bryant Johnson, Hennepin County Community Services Department, A-1008 Government Center, Minneapolis, Minnesota 55487.

Department of Natural Resources

Request for Qualifications and Letters of Interest for Minerals Division Information Program

The Department of Natural Resources is requesting letters of interest from highly qualified individuals for a special Division of Minerals information and education program. Applicants should be available beginning in mid-January for a 75-percent, 90-day period at a contract cost not to exceed $10,000. Work products in the field of mineral processing and development will include:

1. Editing a technical proposal
2. Writing background briefing packets
3. Writing brochures and news releases
4. Coordinating and laying out artwork
5. Drafting a script for an audio-visual presentation

Interested individuals should send qualifications, resume and writing samples by January 4, 1985 to:

Gail E. Gendler, Director
Bureau of Information and Education
Department of Natural Resources
500 Lafayette Road
Box 46
St. Paul, MN 55146

SUPREME COURT

Decisions of the Supreme Court Filed Friday, December 7, 1984

Compiled by Wayne O. Tschimperle, Clerk

C9-84-720 Wenzel Koenig v. Northern Insulation Company and AID Insurance Services, Relators; and Minnesota Department of Public Welfare. Workers' Compensation Court of Appeals.

The finding that a notice of discontinuance was void and the underlying determination that the employer had not made a good-faith offer of work employee could perform in his partially disabled condition have substantial evidentiary support.

The finding that aggravation of a ulcer was "secondary to the effects of employee's personal injury" and causally related to that injury lacks evidentiary support.

Affirmed in part and reversed in part. Peterson, J.

C1-82-1534 In the Matter of the Petition of Frank E. Zimmer and Others for the Repair of County Ditch No. 9 of the County of Kandiyohi, Minnesota. State of Minnesota, by the Minnesota Department of Natural Resources, Appellant, v. Kandiyohi County, Acting by and Through Its Board of Commissioners. Kandiyohi County.

A request to have a ditch expanded beyond how it was originally constructed or later improved constitutes an improvement even if the expansion merely brings the ditch up to the specifications of the original plan. The case of *Taylor v. County of Sherburne*, 243 Minn. 303, 67 N.W.2d 827 (1954), is overruled.

Reversed and remanded to the district court for further action consistent with this opinion. Yetka, J.R

Dissenting, Todd, J. & Scott, J.

C6-83-1300 State of Minnesota v. Frank D. Spurgin, Appellant. Hennepin County.

The trial court properly denied the defendant's mid-trial motion to bifurcate his murder trial.

The evidence supports the jury's finding of premeditation.

Affirmed. Yetka, J.

C9-84-796 Robert LaValle, Deceased, by Darlene LaValle v. City of Circle Pines and Western National Mutual Insurance Company, Relators; New England Mutual Life Insurance Company, Workers' Compensation Court of Appeals.

The Workers' Compensation Court of Appeals' denial of a petition to vacate an award on the ground of mistake in the coordination of Social Security and workers' compensation dependency benefits was an abuse of that court's discretion because it is clear from the record that the mistake did occur and will result in a substantial overpayment of dependency benefits to employee's minor children if it is not corrected.

Reversed and remanded. Kelley, J.

C5-82-242 Andy L. Bond, as Trustee for the Heirs and Next of Kin of Dane Swenson, Decedent, v. Thomas Roos and Diane Roos; Janice Lynn Swenson, Appellant, Daniel F. Swenson, County of Scott, State of Minnesota. Scott County.

In the absence of a judicial determination of fault causing death based upon competent evidence, under Minn. Stat. § 573.02, subd. 1 (Supp. 1983) a trial court may not deprive a next of kin of a share of settlement proceeds based upon that person's proportionate pecuniary loss.

Reversed. Kelley, J.

Concurring specially, Simonett, J.

C8-83-696 State of Minnesota v. Ricardo Duane Solomon, Appellant. Ramsey County.

Defendant was properly convicted of attempted aggravated robbery and sentenced to a minimum term.

Affirmed. Kelley, J.

CX-83-5 State of Minnesota v. Gary Garasha, Appellant. St. Louis County.

Defendant received a fair trial and was properly convicted of second-degree murder under the felony-murder doctrine.

Affirmed. Coyne, J.

C8-83-472, C4-83-808 State of Minnesota v. David Jay Walker, Appellant. Pine County.

Defendant received a fair trial and was properly found guilty of a number of sex offenses; the post-trial recantation by one of the witnesses is unbelievable and does not entitle defendant to a new trial; the trial court properly executed the presumptively-stayed sentences.

Affirmed. Coyne, J.

C0-84-251 In Re: Petition for Disciplinary Action Against Ralph W. Olson. Supreme Court.

A lawyer's self-dealing and conversion of assets from his comatose sister-in-law's estate, failure to account therefor and failure to comply with order of the probate court warrant disbarment.

Disbarred. Per Curiam.

Orders Filed November 26, 1984

C4-84-1869 In the Matter of the Application of the Discipline of Clayton E. Parks, Jr., an Attorney at Law of the State of Minnesota, Supreme Court.

Temporarily suspended. Amdahl, C.J.

C8-84-1938 In the Matter of the Application for the Discipline of Joseph L. Bard, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Amdahl, C.J.

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Contact: Senate Public Information Office
B29 State Capitol, St. Paul, MN 55155
(612) 296-0504

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Session Monthly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

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Contact: House Information Office
Room 8 State Capitol, St. Paul, MN 55155
(612) 296-2146

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO, AND SPECIAL TAXES DIVISION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO THE METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 TO 8121.0500)

STATEMENT OF NEED AND REASONABLENESS

This document has been prepared as a verbatim presentation of the facts necessary to establish the statutory authority, need for and reasonableness of the proposed new rule. It is submitted pursuant to 1400.0500 requiring a Statement of Need and Reasonableness. A Notice of Intent to Solicit Outside Opinion regarding the proposed rule was published in the State Register on July 2, 1984. The proposed rule was submitted for comment to those people and organizations that requested it and was also reviewed by key legislators. A meeting was held with interested persons on November 21, 1984, prior to preparation of the final draft of the proposed rule. Suggestions and comments that were received have been duly considered.

Authority to Adopt the Rule

Minn. Stat. Section 473.843 grants the Commissioner statutory authority to establish rules concerning the administration of the solid waste landfill fee.

Statement of Need

The 1984 legislature passed Laws of Minnesota 1984, Chapter 644 which established a fee on solid waste accepted and disposed of at a mixed municipal solid waste facility in the metropolitan area. The fee must be collected beginning January 1 1985.

The proposed rules have been developed in consultation with interested persons. Every effort has been made to minimize the administrative burden on all involved parties.

Definitions

In addition to the definitions set forth in the statute, four definitions are included in the rule for purposes of clarification regarding the parties involved, the application of the fee, and the reporting time period of the landfill operators.

Solid Waste

The landfill fee is imposed on solid waste as defined at M.S. 116.06, subd. 10 which reads:

> Subd. 10. "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludge, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal water pollution control act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended."

The definition is repeated in the rules in an attempt to minimize any confusion as to the items which are subject to the fee.

Previous Month

The statute provides that the fee is to be paid by the operator by the 20th of each month. The amount of the fee due is based on solid waste accepted during the "previous month." Since a "month" may vary for different businesses based upon each businesses' accounting practices, an allowance has been included for those businesses with a month that is other than a calendar month.

Commissioner

For purposes of the administration of this fee, it is the Commissioner of Revenue who has the responsibility for forms and related administrative matters.

Rolloffs

Meetings and conversations with interested persons raised an issue regarding vehicles that carry loads which vary greatly in weight and/or volume due to the varieties of the material hauled. A special provision is, therefore, included in these rules to recognize the variety in the loads hauled. If the landfill operator varies the tipping fee based on the type of load, then the state fee may be calculated on the same basis.

Determination of Fee

The law establishes a basic fee of 50 cents per cubic yard of waste accepted for disposal. Because some facilities weigh the waste as opposed to using truck capacity (measuring), the statute required establishment of a conversion factor.

Subpart 1. The conversion factor for the weight of an equivalent cubic yard of waste was established by the following process..

Since the weight of a cubic yard of solid waste varies by material, the following sources of information were used to make a reasonable estimate of the weight per cubic yard of solid waste:

(1) "The Overweight Refuse Compact or Vehicles Study" conducted by the Harry S. Johnson Company of Lakeville, on the collection and transportation of solid waste in the State of Minnesota, for the Commissioner of Highways and the Director of the Minnesota Pollution Control Agency. In this study 550 refuse compactor vehicles were field weighed on a random sample basis on two different time intervals, in the late spring (May 28 through June 13) and mid-summer (July 15 through July 26). These two weight monitoring periods afforded an opportunity to evaluate the findings under two completely different seasonal conditions. In the first period of weighing, there was a total of 4.79 inches of precipitation recorded in the Metropolitan Twin City area immediately prior to as well as during the weight monitoring period. This allowed for an opportunity to evaluate the weights recorded under conditions in which the refuse contained within the loaded vehicles had a significant moisture content. In addition, the first weighing allowed for the opportunity to evaluate recorded weights resulting from spring clean up efforts by residents who would normally be discarding a higher volume of materials as a part of cleaning up after the

winter season. In the second weighing it was possible to conduct a weighing of refuse vehicles during a dry period, having had only .31 inches of precipitation immediately preceding and during the weighing interval time. This allowed for an opportunity to evaluate those resultant weights as related to loaded characteristics that would be relatively free of the high moisture content that was contained in the first weighing. Additionally, the second weighing afforded an opportunity to evaluate a different type of load characteristic in terms of material composition which assisted in providing a better overall picture of seasonal variation. In evaluating the truck-weight data, it was determined that in the first weighing, a cubic yard of refuse weighed on the average of 500 pounds. In the second weighing a cubic yard of refuse weighed 433 pounds. It must be noted that these are average amounts, encompassing the random weighings of full as well as partially full trucks.

(2) A survey of several refuse compactor equipment manufacturers marketing representatives, conducted by the Solid and Hazardous Waste Division of the Minnesota Pollution Control Agency, indicated that an undifferentiated compaction ratio of 600 pounds per cubic yard of mixed municipal solid waste, was a very good average.

(3) A random sample study conducted by the city of Minneapolis over a one-year period, on 24 city-owned refuse compactor trucks, and 61 privately owned, city contracted refuse compactor trucks, resulted in findings of a 600 pounds per cubic yard compactor ratio on all fully loaded trucks. The resultant density of all loads, both full and partial for the weight monitoring period was 551 pounds per cubic yard.

(4) Observation of a transfer station (refuse collection facility) operated by BFI in Northeast Minneapolis where persons may bring their refuse and dispose of it for a set fee. The fee as set forth by BFI is $27.50 for 2,000 pounds or $7.50 a cubic yard. This fee translates to a compaction ratio of 560 pounds per cubic yard.

We are aware of, and have examined, the table of conversion factors used by the state of Wisconsin in administering their solid waste tax. Based upon the sources of information utilized in developing the conversion factor and after consulting with operators and haulers, the administrative burden of a complex system similar to Wisconsin's does not seem to be necessary or desirable for Minnesota.

Subpart 2. Operators of landfills which measure solid waste do not have scales that allow them to weight waste. The landfills that have scales and weigh waste are able to accept waste and determine the tipping fee on a volume or measured basis at their or the haulers election. Although the fee is imposed upon landfill operators, the assumption can be made that the fee will in most cases be passed on to haulers of solid waste accepted for disposal. The proposed rules reflect an intent to allow operators flexibility in determining the state fee to be collected from the hauler, similar to the process for collection of tipping fees. At the meeting held in December, it was agreed by all persons present that an operator of a facility that weighs waste may allow haulers to determine the method, weight or volume, to be used for the calculation of the fee on their vehicles. The annual election provision is for purposes of minimizing the administrative burdens if designation were allowed on a load by load basis. The types of loads carried by haulers in compactor vehicles is generally consistent; therefore, it is possible for haulers to make a designation of this type. The January 1 date was selected to coincide with the effective date of the fee as set forth in statute. Each vehicle will carry an insignia to allow the operator to know at a glance how the fee will be paid. This allows haulers to designate the method on a vehicle by vehicle or fleet basis. Since these landfills weigh waste, that is the method to be used if no designation is made.

Subpart 3. Since there is no consistency in the type of loads carried on rolloffs, landfill operators may allow the haulers to determine the basis for the calculation of the fee on a load by load basis.

Reporting Requirements

The basic reporting requirements are specified in the legislation.

The proposed rule includes recordkeeping requirements which are consistent with the established auditing practices of the department.

Subpart 2. This section identifies for the operators the information necessary to be included on the invoice. The tax is assessed against the landfill operator, and the information requested is necessary to provide as a basis for verifying the fee paid to the state by an operator.

Exceptions for customers with multiple vehicles hauling, nonrepetitive single vehicle customers, loads less than 3 cubic yards, and flat fee loads are allowed as a means of easing the operators recordkeeping burdens.

Exemptions

Subpart 1 and 2. The statute provides a partial exemption from the fee for energy and resource recovery facilities and a complete exemption for metal casting facilities. The process to be followed in order to be granted that exemption is included in the rule. The statement of exemption is necessary to document the correct fee due the operator.

Subpart 3. A third exemption has been provided for "operating waste." The materials included are ones suitable for purposes related to the operation of the landfill. If material. so-used were subject to the fee, its use would thereby be discouraged.

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO, AND SPECIAL TAXES DIVISION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO THE METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 TO 8121.0500)

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, LUCI A. MITCHELL, Legal Research Attorney, do hereby declare that I have examined the attached documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Hearings, and the rules of the Attorney General have been followed. There are no exceptions.

Luci A. Mitchell

LUCI A. MITCHELL

Dated: 2-27-85

STATE OF MINNESOTA

DEPARTMENT OF REVENUE

ALCOHOL, TOBACCO, AND SPECIAL TAXES DIVISION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES RELATING TO THE METROPOLITAN SOLID WASTE LANDFILL FEE (8121.0100 TO 8121.0500)

NOTICE OF SUBMISSION TO ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, Section 14.26:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, February 28, 1985, for review as to form and legality. Pursuant to Minnesota Rules, Part 2000.0700, the Attorney General will not approve the rules for at least eight 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 Sherburn 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 Howard Anderson, Director of Alcohol, Tobacco & Special Taxers Division, Minnesota Department of Revenue, 9th Floor Capitol Square Building, St. Paul, Minnesota 55101.

STATE OF MINNESOTA
DEPARTMENT OF REVENUE

Dated: 2-28-85

Luci A. Mitchell

LUCI A. MITCHELL, Attorney
Commissioner's Staff