

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1223

05-0009-0486

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-8-85
DATE FOR REVIEW 11-18-85
DATE DUE 11-22-85

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

Approved 11-18-85 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 11-18-85 Revisor approved 11.12.85 disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed See SR

✓ Order Adopting 11.8.85 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
_____ Sufficiency

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

✓ Mailing list Certificate

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

N/A Hearing Examiner's Report

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

N/A Agency's Findings of Fact

✓ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness DOF approval attached

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General
(Misstated Admin Div address - G25 not 204
+ phone #.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: LOIS E. MIZUNO, Executive Director
Board of Psychology

DATE: 11/18/85

ATTN: AUDREY KAISER MANKA
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Psychology Governing the Fees Charged by the Board

The above-referenced rule has been approved as to its legality by the Attorney General on November 18, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1223

SF-00006-04

DEPARTMENT : ATTORNEY GENERAL

PHONE : 341-7272

STATE OF MINNESOTA

Office Memorandum

DATE : November 8, 1985

TO : Mike Miles
Assistant Attorney General

FROM : Audrey Kaiser Manka
Special Assistant
Attorney General

SUBJECT : In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Psychology Governing the Fees Charged by the Board.

Enclosed for your review, pursuant to Minn. Rules pt. 2000.0400, are the following documents to support the above-referenced noncontroversial rules:

1. Certificate of Board's Resolution Adopting Rules;
2. Order for Notice of Intent to Adopt Rules Without a Public Hearing;
3. Certificate of Board's Authorizing Resolution;
4. Certificate (mailing list);
5. Statement of Need and Reasonableness;
6. Written comments;
7. Statement of Compliance With Rulemaking Procedures;
8. Affidavit of Mailing Notice of Submission to the Attorney General;
9. Notice of Submission to the Attorney General;
10. Notice of Intent to Adopt Rules Without a Public Hearing;
11. Affidavit of Mailing;
12. Rule as proposed;
13. Rule as adopted (original and three copies);
14. Order Adopting Rule (two copies).

As is evidenced by these documents, the rules as adopted are identical to the rules as proposed. If you have any questions or need further documentation, please do not hesitate to let me know.

Thank you.

AKM:tmr

Enclosures

AG copy.

Board of Psychology

Adopted Rule Relating to Fees

Rule as Adopted

7200.6100 FEES.

Fees for licensure of psychologists are as follows:

A. The fee for application for admission to examination is $115.

B. The fee for application for licensure is $125.

C. The fee for renewal of license is $150.

D. The fee for late renewal of license is $75.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 18 1985
Joan Anderson Growe
Secretary of State

9:00AM

APPROVED AS TO FORM AND LEGALITY
November 18 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY

In the Mater of the Proposed Adoption of Rules of the Minnesota Board of Psychology Governing the Fees Charged by the Board

ORDER ADOPTING RULE

Notice of the Board of Psychology's intent to adopt the above-entitled rules without a public hearing was published in the State Register on Monday, September 30, 1985, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. § 14.14, subd. 1 (1984) on September 24, 1985. After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving requests for public hearing from fewer than 20% of the persons who will be required to pay the fee within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS HEREBY ORDERED that the rules identified as Proposed Adoption of Rules of the Minnesota Board of Psychology Governing the Fees Charged by the Board are adopted this 8th day of November, 1985, pursuant to authority vested in the Board by Minn. Stat. § 148.90, subd. 2 (1984).

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY

Lois E Mizuno

LOIS E. MIZUNO
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of Rules
of the Minnesota Board of
Psychology Governing the
Fees Charged by the Board

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

IT IS ORDERED this 3rd, day of May, 1985, that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Board of Psychology for that purpose and be published in the State Register.

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY

Lois E Mizuno

LOIS E. MIZUNO
Executive Secretary

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Norman James, Ph.D., do hereby certify that I am a member and the Chair of the Board of Psychology, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Psychology duly and properly called and held on the 3rd, day of May, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Lois Mizuno, executive secretary of the Board of Psychology, be and she hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing an increase in fees charged by the Board, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, she hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19 day of July, 1985.

Norman L. James, Ph.D

NORMAN JAMES, Ph.D.

Robert L. Harlow Ph.D.

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of Rules
of the Minnesota Board of
Psychology Governing the
Fees Charged by the Board

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the Minnesota Board of Psychology proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28 and 16A.128. The specific statutory authority to adopt the rule is found at Minn. Stat. §§ 148.90, subd. 2 (1984).

Persons interested in this rule shall have 30 days to submit comments in support of or in opposition to the proposed rule, and that comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change 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.

No hearing will be held on these proposed rules unless 20 percent of the persons who will be required to pay the fee submit to the Board, during the 30-day period allowed for comment, a written request for a public hearing on the proposed rules.

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

Lois E. Mizuno
Executive Secretary
Minnesota Board of Psychology
717 Delaware Street Southeast
Minneapolis, Minnesota 55414

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lois Mizuno upon request at the above listed address.

Upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to form and legality, to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Lois E. Mizuno at the above address.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Lois E. Mizuno at the above address.

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY

Lois E Mizuno

LOIS E. MIZUNO
Executive Director
Board of Psychology

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Psychology Governing Fees Charged by the Board

Lois E. Mizuno, being first duly sworn, deposes and says:

That on the 24th day of September, 1985, at the city of Minneapolis, County of Hennepin, State of Minnesota, she served a true and correct copy of the attached NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING by depositing said copy in the United States mail at said city of Minneapolis, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached list.

Lois E Mizuno

Subscribed and sworn to before me this 24 day of September, 1985.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of Rules
of the Minnesota Board of
Psychology Governing the
Fees Charged by the Board

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

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Persons interested in this rule shall have 30 days to submit comments in support of or in opposition to the proposed rule, and that comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change 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.

No hearing will be held on these proposed rules unless 20 percent of the persons who will be required to pay the fee submit to the Board, during the 30-day period allowed for comment, a written request for a public hearing on the proposed rules.

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

Lois E. Mizuno
Executive Secretary
Minnesota Board of Psychology
717 Delaware Street Southeast
Minneapolis, Minnesota 55414

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lois Mizuno upon request at the above listed address.

Upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to form and legality, to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Lois E. Mizuno at the above address.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Lois E. Mizuno at the above address.

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY

Lois E Mizuno

LOIS E. MIZUNO
Executive Director
Board of Psychology

8/30/85 [REVISOR] DSN/JA RD836

Rule as Proposed (all new material)

7200.6100 FEES.

Fees for licensure of psychologists are as follows:

A. The fee for application for admission to examination is $115.

B. The fee for application for licensure is $125.

C. The fee for renewal of license is $150.

D. The fee for late renewal of license is $75.

~~Sam Ruhle~~
~~Office of Administrative~~

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Chicago, IL 60637

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STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of Rules
of the Minnesota Board of
Psychology Governing the
Fees Charged by the Board

CERTIFICATE

I hereby certify that the list of persons, associations, and other interest groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1, that their names be placed on file with and maintained by the Minnesota Board of Psychology for the purpose of receiving notice of the proposed adoption of rules by this Board was accurate and complete as of the 24th day of September, 1985.

Lois E Mizuno

LOIS E. MIZUNO
Executive Director

Copies of the Statement of Need and Reasonableness and of the proposed rules also may be obtained by contacting:

Cathy Berg Moeger
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7247

Pursuant to Minn. Stat. § 14.11 (1984), notice is given that the total cost to all local public bodies in the state to implement the proposed rules for the two years immediately following the adoption of the rule will exceed $100,000 in each of those years. The Agency estimates that the development of the solid waste management plans required by the proposed rules will cost about $26,000 each. Total estimated costs to local public bodies statewide in 1986 are $390,000. In 1987, estimated costs are $650,000. The Agency has set out its analysis of these costs in its Statement of Need and Reasonableness.

It is further advised, pursuant to Minn. Stat. § 14.115 (1984) (Small Business Considerations in Rulemaking), that the proposed rules will affect small businesses both positively and negatively. On the positive side, many counties and districts will hire consultants and contract for technical professional services to assist them in completing and implementing the planning requirements of the proposed rules. Implementing new waste management systems will create opportunities for entrepreneurs and may decrease solid waste management costs for small businesses. However, to the extent solid waste is diverted from land disposal facilities due to the plans, current land disposal businesses may be negatively affected.

The rule hearing procedure is governed by Minn. Stat. §§ 14.14-14.20 (1984) and by Minn. Rules Pts. 1400.0200-1400.1200. Questions about procedure may be directed to the Administrative Law Judge assigned to hear this proceeding:

Phyllis A. Reha
Administrative Law Judge
Office of Administrative Hearings
400 Summit Bank Building
310 South Fourth Street
Minneapolis, Minnesota 55415
(612) 341-7611

Thomas J. Kalitowski
Executive Director
Pollution Control Agency

Board of Psychology

Proposed Rule Relating to Fees

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Psychology proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28 and 16A.128. The specific statutory authority to adopt the rule is found at Minn. Stat. § 148.90, subd. 2 (1984).

Persons interested in this rule shall have 30 days to submit comments in support of or in opposition to the proposed rule, and that comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change 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.

No hearing will be held on these proposed rules unless 20 percent of the persons who will be required to pay the fee submit to the Board, during the 30-day period allowed for comment, a written request for a public hearing on the proposed rules.

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

Lois E. Mizuno
Executive Secretary
Minnesota Board of Psychology
717 Delaware Street Southeast
Minneapolis, Minnesota 55414

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lois Mizuno upon request at the above listed address.

Upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to form and legality, to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Lois E. Mizuno at the above address.

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

Copies of the notice and the proposed rules are available and may be obtained by contacting Lois E. Mizuno at the above address.

Lois E. Mizuno
Executive Director
Board of Psychology

Rule as Proposed (all new material)

7200.6100 FEES.

Fees for licensure of psychologists are as follows:

A. The fee for application for admission to examination is $115.

B. The fee for application for licensure is $125.

C. The fee for renewal of license is $150.

D. The fee for late renewal of license is $75.

Department of Public Safety

Proposed Rules Relating to Merit System

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 10, State Office Building, 435 Park Street, St. Paul, Minnesota 55155, on October 30, 1985, commencing at 9:30 a.m. and continuing until all interested or affected persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7608 either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, section 14.01-14.56 and by Minnesota Rules parts 1400.0200-1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

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.

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Norman James, PhD, do hereby certify that I am a member and the Chair of the Board of Psychology, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Psychology, duly and properly called and held on the 8th day of November, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

> RESOLVED, that the rules relating to an increase in fees charged by the Board be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. § 148.90, subd. 2 (1984), and that Lois E. Mizuno, the Executive Director of the Board of Psychology, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of November, 1985.

Norman P James, Ph.D
NORMAN JAMES, PhD

Ann L Masseran PhD
Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of a Proposed New Rule Part Relating to Fees For Examination, Licensure, License Renewal, Late Renewal

STATEMENT OF NEED AND REASONABLENESS

The above captioned rule part is an amendment to the existing rules of the Minnesota Board of Psychology (hereinafter "Board").

1. The legal authority for promulgating this amendment to existing rules is contained in Minn. Stat. S 148.90, subd. 2(4) (1984), which grants the Board the authority to make rules necessary to effectuate the provisions of the licensing law.

2. The rule part captioned above is being adopted according to the procedures set forth in Minn. Stat. S 16A.128. A copy of the approval of the commissioner of finance is attached.

3. The Board has proposed this rule part to establish fees to ensure that the Board generates sufficient revenue to cover a deficit incurred in fiscal year 1985 and anticipated additional costs in fiscal year 1986 due to involuntary relocation to other quarters.

4. It has been determined that Minn. Stat. SS 14.11, subd.2, 17.80 to 16.84 (sic), 115.43, subd. 1, 116.07, subd. 6, and 144A.29 do not apply to this proposed rule part; therefore the Statement of Need and Reasonableness does not address the topics referenced in those statutes. In the event that Minn. Stat. S 14.115 (1984)should be interpreted as applying, notice of the intent to adopt rules without a public hearing has been published in the Minnesota Psychologist, newsletter of the Minnesota Psychological Association.

Further need is set forth in the Statement of Reasonableness which is attached hereto and made a part hereof.

Dated: September 30, 1985

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

Lois E. Mizuno

LOIS E. MIZUNO

Executive Secretary

Minnesota Board of Psychology

STATEMENT OF REASONABLENESS

For Proposed Rule Part 7200.6100

Except for an increase in the Application for Admission to Examination fee in April, 1984, which was necessitated by an increase in the cost of the examination, there has been no need for fee increases since the summer of 1981. Steady growth in the number of persons paying fees has allowed the Board to operate on existing fees in the face of rising costs.

However, a sharp increase in the amount of service required of and received from the Attorney General's office in fiscal year 1985, couple with increased Board activity (per diem and in-state expenses) resulted in a year-end shortfall of approximately $25,000. That amount must be generated through revenues in fiscal year 1986, since by law regulatory boards are not supported by taxes but must generate in fees sufficient revenue to cover direct budget items plus indirect costs for state services. The existing fee structure is insufficient to cover the shortfall in addition to the approved expenses for 1986.

In addition, the Department of Health is forcing the health-related licensing boards to relocate to another building, which will increase both the square-foot cost of rent and the total amount of space occupied. The Boards are scheduled to move by January 1, 1986. It is anticipated that rental and related costs will increase by approximately $7,000, plus moving costs.

Further, if attorneys' services continue at the rate provided in 1985 - which is highly likely - it is possible that expenditures for legal fees were underestimated when the budget for fiscal year 1986 was formulated early last year.

It is anticipated that the increased revenue generated by raising fees

will be very close to the amount of additional expenditures to be incurred in fiscal year 1986, which were not known at the time the budget was approved, plus covering the shortfall from fiscal year 1985.

Table I below indicates the amount of additional revenue anticipated from the fee increases.

TABLE I

Source Code	Fee Title	Present Fee	Proposed Fee	# Paying Fee	New Revenue Generated
000-101	Exam Application	$100	$115	175	$2,625
000-102	License Application	75	125	165	8,250
000-200	License Renewal-Biennial	110	150	669	26,760
000-202	Late Renewal	75	75	31	0
Total					37,635

It should be noted that the numbers paying the various fees have been pro-rated from the full year totals since the fee increases will take effect approximately four months after the fiscal year began.

Should there be some question as to why the fee increase for licensure is $50 and for examination is only $15, analysis has shown that the existing fee for licensure is probably too low to cover all the expenses related to the activity plus the activity's share of overhead. Staff and Board time required for the average application for licensure is about four times the staff and Board time required for the average examination application. Since $90 of the examination application fee is set aside for

purchase of the examination from the testing service, the remaining portion will now roughly correspond to the licensure fee with respect to cost of processing.

The bulk of new revenue will come from renewal fees, which is justified by the fact that the increase in legal costs is directly related to the number of complaints against licensees. The yearly count of complaints is now roughly three times the number of complaints filed in the year the fee was last increased (1981). Because the complaints are against the practice of licensees, it is logical that fees for continuing in private practice in Minnesota should bear the cost of processing those complaints.

It should be noted that the Board is proposing no increase in the fee for late renewal of license, partly because the number of licensees paying late is so small that even a large percentage increase would raise very little revenue, and partly because the fee is intended as a deterrent rather than as a revenue producer.

With respect to the possible applicabilty of Minn. Stat. S 14.115 to the increase in fees for maintaining licensure to practice in Minnesota, small businesses are affected by the increase only if the business pays the renewal fee for the individual who is licensed, rather than the individual licensee paying the fee from his/her personal funds.

Attached is a copy of the approval of the fee increase from the Department of Finance.

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Board of Psychology

TO : Allen Yozamp
Budget Operations and Support Director
Department of Finance

DATE: 9/4/85

FROM : Lois E. Mizuno *Lois E Mizuno*
Executive Director

PHONE: 623-5419

SUBJECT: Approval of Fee Increase

Request is made for approval of fee increases as follows:

	Present Fee	Proposed Fee
Application for Admission to Examination	100	115
Application for Licensure	75	125
Licensure Renewal (Biennial)	110	150

The fee increases are needed to cover a FY 1985 shortfall in receipts of $26,300, which resulted from an LAC request in June for unanticipated attorneys' fees and per diem payments to Board members; the costs of relocating to new office space, necessitated by the Health Department requiring the office space presently occupied by the health-related licensing boards; and the cost of Revisor's services mandated by Laws Minnesota 1985, Chapter 1SP13.

It is anticipated that the fee increases will generate approximately $37,600 in additional revenue and will cover the following costs:

Table I

Item	Amount
FY 1985 Shortfall	26,337
Rent Increase	3,116
Moving Costs (shared with other boards)	400
Phone Hookups/Phones	500
Furniture	2,584
New copying machine costs (shared with other boards)	400
Revisor Fees	400
TOTAL	33,737

The remaining $4,000 will cover general support costs (not budgeted) and probable higher attorneys' fees than were anticipated when the budget was prepared a year ago.

Request is currently being made from LAC to increase the appropriation as follows:

Table II

Item	Amount
FY 1986 Appropriation	$123,000
Increased Rent	3,116
Moving Costs	400
Phones	500
Furniture	2,584
Copying machine costs	400
Revisor Fees	400
New FY 1986 Appropriations	$130,400

The fee increases are anticipated to generate the following amounts:

Table III

Proposed Fee Increase

Source Code	Fee Title	Present Fee	Number Paying[1]	Dollars Generated	Proposed Fee[2]	Number Paying	Dollars Gener'd	Total Dollars
000-101	Exam	100	167	16,700	115	175	20,125	36,825
000-102	Licensure	75	98	7,350	125	165	20,625	27,975
000-200	Renewal	110	225	24,750	150	669	100,350	125,100
000-202	Late Renewal	75	31	2,325				2,325
000-500	Corp. Regist.[3]	100	2	200				200
000-505	Corp. Re-regist.[3]	25	35	875				875
Totals				52,200			141,100	193,300[4]

1. Number paying current fee assuming new fees take effect in November.
2. Number paying new fee assuming new fees take effect in November.
3. Fees set by law.
4. Fees must cover shortfall from FY 85, AG's fees, and general support.

To: Allen Yozamp
9/4/85

SEP 11 [illegible]

Total expenditures anticipated for the Board for FY 1986 are shown in Table IV:

Table IV

FY 1985 Expenditures

Item	Amount
Budgeted Items	$123,000
LAC Request (see Table II)	7,400
AG's fees & General Support	36,263
FY 1985 Shortfall	26,337
Total	$193,000

Since approval of this request must be included as part of the Statement of Need and Reasonableness required for adoption of a new rule, and since the Board has passed the resolution of intent to raise fees and the rule is at the Revisor's office, there is some urgency to this request.

Thank you for your assistance.

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

9-10-85
Date

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of Rules
of the Minnesota Board of
Psychology Governing the
Fees Charged by the Board

STATEMENT OF
COMPLIANCE WITH
RULEMAKING
PROCEDURES

I, Special Assistant Attorney General Audrey Kaiser Manka, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are listed below.

Audrey Kaiser Manka

AUDREY KAISER MANKA
Special Assistant
Attorney General

Dated: November 8, 1985

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the
Proposed Adoption of Rules
of the Minnesota Board of
Psychology Governing the
Fees Charged by the Board

AFFIDAVIT OF
MAILING NOTICE OF
SUBMISSION TO THE
ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Lois E. Mizuno, being first duly sworn, deposes and says:

That on the 8th day of November, 1985, in the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of Minneapolis, a copy thereof, properly enveloped, with postage pre-paid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Lois E Mizuno

LOIS E. MIZUNO
Executive Director

Subscribed and sworn to before me

this 8th day of November, 1985.

Arlayne J Nelson

NOTARY PUBLIC

ARLAYNE J. NELSON
NOTARY PUBLIC
HENNEPIN COUNTY, MN
MY COMM. EXPIRES
APRIL 14, 1987

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Psychology Governing the Fees Charged by the Board

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minn. Stat. §§ 14.05 to 14.36 (1984):

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, November 8, 1985, for review as to form and legality. Pursuant to Minn. Rules pt. 2000.0700, subp. 2, 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 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone: (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Lois E. Mizuno, Executive Director, Minnesota Board of Psychology, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, telephone: (612) 623-5419.

Lois E Mizuno

LOIS E. MIZUNO
Executive Director