

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1224 05-0009 - 0000

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-14-85
DATE FOR REVIEW 11-20
DATE DUE 11-27

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

Approved 11-2785 JMM Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 11/18/85
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 11-14-85 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement

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

✓ Mailing list Certificate

✓ Publication in State Register
10.14.85 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

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement + DOF approval.

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

N/A Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: ATTORNEY GENERAL

TO: STEVE KEEFE, Commissioner
Department of Labor and Industry

ATTN: HAROLD W. SCHULTZ, II
Special Assistant Attorney General

DATE: 12/2/85

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses

The above-referenced rule has been approved as to its legality by the Attorney General on Novmeber 27, 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.

JMM:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1224

AG copy

Department of Labor and Industry

Adopted Rules Relating to Occupational Professions, Boiler Operations, Fees

Rules as Adopted

5225.0300 EXPIRATION AND RENEWALS.

Subpart 1. [Unchanged.]

Subp. 2. **Expirations within less than five years.** Licenses which have expired less than five years prior to date of application for renewal may be renewed without the necessity of an examination upon filing an application therefor, accompanied by the fee required in part 5225.8600. Applications shall be marked "expired renewal" and do not have to be signed.

Subp. 3. **Expirations of five years or more.** Licenses which have expired five years or more prior to the date of application for renewal may be renewed by filing an application therefor, accompanied by the fee required by part 5225.8600, and passing an examination.

5225.8600 FEES.

Subpart 1. **Generally.** Fees for inspections, examinations, and licenses under parts 5225.0100 to 5225.7200 are in subparts 2 to 7.

Subp. 2. **Engineer licenses.**

A. The fees for a new engineer license application are as follows:

(1) chief engineer, $40;

(2) first class engineer, $25;

(3) second class engineer, $20;

(4) special engineer, $15;

(5) hobby engineer, $30; and

(6) pilot, $20.

B. The fees for license renewal under part 5225.0300 are as follows:

(1) chief engineer, $25;

(2) first class engineer, $20;

(3) second class engineer, $15; and

(4) special engineer, pilot, $10.

C. The fees for expired renewals under part 5225.0300, subpart 2, are as follows:

(1) chief engineer, $30;

(2) first class engineer, $25;

(3) second class engineer, $20; and

(4) special engineer, pilot, $15.

Subp. 3. **Boiler and pressure vessel inspection.** The fees for the annual inspections of boilers and the biennial inspections of pressure vessels under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

A. boiler inaccessible for internal inspection, $20;

B. boiler accessible for internal inspection, $30;

C. boiler internal inspection over 2,000 square feet, $40;

D. boiler internal inspection over 4,000 square feet, $50;

E. boiler internal inspection over 10,000 square feet, $70;

F. boiler requiring internal inspection up to one-half day, $130;

G. pressure vessel for internal inspection, $20; and

H. pressure vessel inaccessible for internal inspection, $10.

Subp. 4. **Shop inspections.** The fees for shop inspections under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

A. inspection of two hours or less, $70;

B. one-half day, four hours or less, $130; supervisor, $180;

C. eight hours or less, $240; supervisor, $320; and

D. each hour over eight hours, per hour, $45; supervisor, $50.

Subp. 5. **Inspectors.** The fees for inspector's

examinations, certificates, and endorsements under Minnesota Statutes, section 183.545, subdivisions 6, 7, and 8, are as follows:

A. national board inspector's exam, $40;

B. nuclear endorsement, $20;

C. Minnesota certificate of competency, original, $20; and

D. Minnesota certificate of competency, renewal, $15.

Subp. 6. **Exemption certificates.** The fees for exemption certificates under Minnesota Statutes, section 183.57, subdivision 2, are as follows:

A. first object inspected, $10; and

B. each additional object inspected, $5.

Subp. 7. **Vessel inspections.** The fees for vessel inspections under Minnesota Statutes, section 183.545, subdivision 1, are as follows:

A. boat under 30 feet, $30;

B. boat from 30 to 40 feet, $40;

C. boat 40 to 50 feet, $50; and

D. boat over 50 feet, $60.

Repealer. Minnesota Rules, part 5225.0200, is repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 2 1985
Joan Anderson Growe
Secretary of State
11:21 AM

APPROVED AS TO FORM AND LEGALITY
11/27 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Department of Labor and Industry

Proposed Rules Relating to Occupational Professions, Boiler Operations, Fees

Rules as Proposed

5225.0300 EXPIRATION AND RENEWALS.

Subpart 1. [Unchanged.]

Subp. 2. **Expirations within less than five years.** Licenses which have expired less than five years prior to date of application for renewal may be renewed without the necessity of an examination upon filing an application therefor, accompanied by the fee required in part ~~5225.0200~~ 5225.8600. Applications shall be marked "expired renewal" and do not have to be signed.

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Rules as Proposed (all new material)

5225.8600 FEES.

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(4) special engineer, $15;

(5) hobby engineer, $30; and

(6) pilot, $20.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

B. The fees for license renewal under part 5225.0300 are as follows:

(1) chief engineer, $25;

(2) first class engineer, $20;

(3) second class engineer, $15; and

(4) special engineer, pilot, $10.

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E. boiler internal inspection over 10,000 square feet, $70;

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B. one-half day, four hours or less, $130; supervisor, $180;

C. eight hours or less, $240; supervisor, $320; and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

D. each hour over eight hours, per hour, $45; supervisor, $50.

Subp. 5. **Inspectors.** The fees for inspector's examinations, certificates, and endorsements under Minnesota Statutes, section 183.545, subdivisions 6, 7, and 8, are as follows:

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C. boat 40 to 50 feet, $50; and

D. boat over 50 feet, $60.

Repealer. Minnesota Rules, part 5225.0200, is repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD828

Agency: Department of Labor and Industry

Division:

Agency Contact: Joan Volz, 297-4795

Minnesota Rules: Parts 5225.0300 and 5225.8600

Title: Proposed Rules Relating to Occupational Professions, Boiler Operators, Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

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

Date: September 24, 1985

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses.

ORDER ADOPTING AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING

Notice of intent to adopt the above-captioned amendments without a public hearing was published in the State Register on October 14, 1985 and was sent by United States mail to all persons and groups on the list maintained by the Department of Labor and Industry, Code Enforcement Division, pursuant to Minn. Stat. § 14.22 (1984) on October 10, 1985. After affording interested persons and groups an opportunity to submit comments and requests for a hearing for 30 days after notice, receiving no written requests for a public hearing within the 30-day comment period, reviewing and considering the amendments, and determining the need for and reasonableness of the above-captioned amendments.

NOW, THEREFORE, IT IS ORDERED that the Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses are adopted pursuant to the authority vested in me by Minn. Stat. § 183.545.

STATE OF MINNESOTA

Steve Keefe

Steve Keefe, Commissioner
Department of Labor and Industry

Dated: November 14th, 1985

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses

ORDER FOR PUBLICATION AND FOR NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED THIS 27th day of September, 1985, that a Notice of Intent to Amend Rules Without a Public Hearing in the above-captioned matter be given to all persons and groups who have requested that their names be placed on the list maintained by the Minnesota Department of Labor and Industry for that purpose pursuant to Minn. Stat. § 14.22 (1984) and be published in the State Register.

STATE OF MINNESOTA

Steve Keefe

Steve Keefe, Commissioner
Department of Labor and Industry

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Department of Labor and Industry, Code Enforcement Division, proposes to adopt the above-captioned amendments to Minn. Rules, parts 5225.0200, 5225.0300 and 5225.8600 without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 - 14.28 (1984).

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

A public hearing will not be held unless 20 percent or more of the persons who are required to pay fees under the proposed amendments submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131 - 14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Steve Keefe
Commissioner, Department of Labor and Industry
5th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these amendments is contained in Minn. Stat. § 183.545 (1984). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The fees may affect small business slightly, as the fees are increased 5 to 10 dollars for most boilers operated by small businesses. Engineers' licenses are purchased by individual engineers and may affect small businesses to the extent that the licenses are paid for by or the cost is passed on to small businesses.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the State Register. The amendments increase the fees for boiler engineers' licenses applications and renewals and inspection fees.

One free copy of the proposed amendments may be obtained by contacting Paul Blossfield at the above address or by calling (612) 296-4530.

STATE OF MINNESOTA

Steve Keefe

Steve Keefe
Commissioner, Department of
Labor and Industry

Dated: September 27th, 1985.

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Paul Blossfield, being first duly sworn, deposes and says:

That on the 10th day of October, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Amend Rules 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 postage prepaid, on all persons and groups who have requested that their names be placed on the list maintained by the Minnesota Department of Labor and Industry, Code Enforcement Division, for the purpose of receiving notice of the proposed adoption of rules by this Department.

Paul Blossfield

Subscribed and sworn to before me
this 10th day of October, 1985.

Notary Public-Minnesota
Ramsey County
My Commission Expires August 23, 1989

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses

CERTIFICATE

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I hereby certify that the list of interested persons and groups who have requested, pursuant to Minn. Stat. § 14.22 (1984), that their names be placed on the list maintained by the Minnesota Department of Labor and Industry for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 10AM this 10th day of October, 1985.

Paul Blossfield

Paul Blossfield

BOARD OF PSYCHOLOGY
7200.6100 (proposed) 752
DEPARTMENT OF PUBLIC SAFETY
7520.0100; .0500; .0550; .0600; .0620; .0640; .0650; .0700; .1000; .1100 (proposed) 753
7520.0530, s.3-5 (proposed repealer) 753
RACING COMMISSION
7890.0100-.0150 (proposed) 759
SMALL BUSINESS FINANCE AGENCY
8300.3060-.3070 [Emer] [9 SR 2527] (extended) 922
8300.3100-.3106 [Emer] (proposed) 721
8300.4100-.4112 [Emer] [9 SR 2381] (extended) 921
BOARD OF TEACHING
8700.0310; .3810; .5503-.5512; .6410; .7500 (proposed) 896
8700.3800 (proposed repealer 7/1/89) 896
8700.5400; .5401; .5402; .5403; .5404; .5405; .5406; .6400 (proposed repealer 7/1/90) 896
WASTE MANAGEMENT BOARD
9200.6000-.6800 [Emer] (adopted) 844
9200.9501-.9504; .9506; .9508 (adopted) 846
9200.9501, s.4; .9504, s.1 (repealed) 846
DEPARTMENT OF PUBLIC WELFARE (Now HUMAN SERVICES)
9500.1090-.1155 (Errata) 867
9500.1210-.1221 [Emer] (adopted) 923
9505.5000-.5105 [9 SR 2367] (adopted) 842
9510.1020-.1140 (adopted) 922
9525.1800.-1930 (adopted) 838
9575.0010; .0300; .0320; .0340; .0350; .1070; .1400; .1500; .1550; .1570; .1580 (proposed) 735
9575.1580, s.4-6 (proposed repealer) 735

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 Labor and Industry

Proposed Rules Relating to Occupational Professions, Boiler Operations, Fees

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Department of Labor and Industry, Code of Enforcement Division, proposes to adopt the above-captioned amendments to Minn. Rules, parts 5225.0200, 5225.0300 and 5225.8600 without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1984).

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

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

A public hearing will not be held unless 20 percent or more of the persons who are required to pay fees under the proposed amendments submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Steve Keefe
Commissioner, Department of Labor and Industry
5th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these amendments is contained in Minn. Stat. § 183.545 (1984). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The fees may affect small business slightly, as the fees are increased 5 to 10 dollars for most boilers operated by small businesses. Engineers' licenses are purchased by individual engineers and may affect small businesses to the extent that the licenses are paid for by or the cost is passed on to small businesses.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the *State Register*. The amendments increase the fees for boiler engineers' licenses applications and renewals and inspection fees.

One free copy of the proposed amendments may be obtained by contacting Paul Blossfield at the above address or by calling (612) 296-4530.

Steve Keefe
Commissioner, Department of
Labor and Industry

Rules as Proposed

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Subpart 1. [Unchanged.]

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Rules as Proposed (all new material)

5225.8600 FEES.

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D. Minnesota certificate of competency, renewal, $15.

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A. first object inspected, $10; and

B. each additional object inspected, $5.

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A. boat under 30 feet, $30;

B. boat from 30 to 40 feet, $40;

C. boat 40 to 50 feet, $50; and

D. boat over 50 feet, $60.

Repealer. Minnesota Rules, part 5225.0200, is repealed.

Pollution Control Agency
Water Quality Division

Proposed Rules Relating to Wastewater Treatment

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency proposes to amend and adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984).

The proposed rule amendments are authorized by Minnesota Statutes, Section 115.03, Subdivision 1(c) (1984), Section 116.16 (1984) and Minnesota Laws, Ex. Sess., Chapter 14, Article 19, Section 3. The primary purpose for the proposed amendments is to provide for administration of the financial assistance program for the abatement of combined sewer overflows into the Mississippi River in the Twin Cities Metropolitan area. Other revisions include an increase in the maximum state supplemental wastewater treatment facilities grant from 15 percent to 30 percent; and a relaxation of requirements for award of reimbursement grants.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each revision to the proposed rules. Copies of the Statement of Need and Reasonableness and of the proposed rules are available and may be obtained by contacting:

Roberta Stadtler
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7376

Interested persons have 30 days, or until 4:30 p.m. on November 15, 1985 to submit comments on the proposed rules. Comments are encouraged and should be submitted to Ms. Sharon Meyer at the address stated above. The proposed rules may be modified if the data and views received by the Agency before the end of the comment period support the need for modification and if the modification does not result in a substantial change in the proposed rules.

Persons submitting comments should identify the portion of the rules addressed, the reason for the comment, and any change proposed. If, during the 30-day period for comments, 25 or more persons submit a written request for public hearing on the proposed rules, the Agency will hold a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20.

Persons submitting a request for a public hearing should submit a written request to Ms. Sharon Meyer at the address stated above. The request should state the name and address of the person requesting the hearing and persons are encouraged to identify the portion or portions of the rules to be the subject of the hearing along with the reasons for requesting the hearing and, if applicable, what changes to the rules as proposed are being proposed by the person submitting the request.

In the event that no hearing on these rules is required, and upon adoption of the rules by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses.

FINDINGS OF FACT AND CONCLUSIONS

The above-captioned amendments were published in the State Register, together with a Notice of Intent to Adopt Amendments without a Public Hearing, on October 14, 1985. Proper notice was served upon all interested persons and groups registered for that purpose with the Department of Labor and Industry, Code Enforcement Division, as required by Minn. Stat. § 14.22 (1984).

After affording interested persons and groups an opportunity to present written and oral data, statements and arguments, and having considered all of the evidence adduced upon the records, files and proceedings herein, I make the following:

FINDINGS OF FACT

1. During the 30-day comment period following publication of the proposed amendments, no comments were received.

2. No changes to the amendments as proposed are necessary.

3. The Commissioner of Finance has approved the fees set forth in the proposed amendments as required by Minn. Stat. § 16A.128, Subd. 1 (as amended, 1985).

Based upon these Findings of Fact, I make the following:

CONCLUSIONS

1. That the Department gave proper notice of the proposed amendments to all interested persons and groups.

2. That the Department has fully complied with all procedural requirements of law or rule in adopting the proposed amendments.

3. That the Department has acted within its statutory authority in adopting these proposed amendments.

4. That the proposed amendments are needed and reasonable and fully comply with substantive requirements imposed by law or rule.

STATE OF MINNESOTA

Steve Keefe

Steve Keefe, Commissioner
Department of Labor and Industry

Dated: November 14th, 1985

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

DIVISION OF CODE ENFORCEMENT

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses

STATEMENT OF NEED AND REASONABLENESS

Minnesota Statutes § 183.545 authorizes the commissioner to set the fees for various boiler inspections, licenses and certificates following the procedures prescribed by Minn. Stat. § 16A.128. The fees established by these rules are intended to meet the direct and indirect expenses of administering the licensing and inspection statutes. The licensing of engineers is required by Minn. Stat. §§ 183.411, Subd. 3 and 183.501 and by Minn. Rules Part 5225.0300.

Part 5225.0300. The citation changes in Subparts 2 and 3 were made by the Revisor. The new part 5225.8600 essentially replaces part 5225.0200. As part 5225.0200 is repealed, the citation correction is necessary.

Part 5225.8600, Subp. 2. Engineer Licenses. This subpart sets the fees for the initial licenses and renewal licenses of engineers and pilots. The current license fees were set in 1978. The proposed increase is justified by the increase in inflation since 1978, the increase in salaries for licensed engineers, and the increased administrative cost of processing license applications and renewals.

Subp. 2.A.(1). The chief engineer's license proposed fee of $40 is a 100 percent increase over the current fee. The increase is needed because additional research is required of the affidavits which are submitted in support of the application. This requires file review to verify that the applicant has the necessary five years experience. Also, the exams have been lengthened to between 100 and 140 questions, and thus require more time to correct. Time to write the exam is usually from two to four hours, and the applicant must be monitored.

Subp. 2.A.(2). The first class engineer's license fee is increased 67 percent to $25.00. Administrative processing of this license generally requires search of the applicant's file to assure documentation of the required experience. The examinations have been lengthened to between 100 and 130 questions, and an additional amount of time is needed to correct the exams and verify the affidavits. The exam time is usually from one and one-half to three hours, and examinees must be monitored.

Subp. 2.A.(3). The second class engineer's license is increased 54 percent to $20.00. These applications require affidavits which must be verified and in some cases the previous special license application must be removed from the file to verify experience. The increased fee reflects the higher administrative costs of the time required to review the application, verify affidavits and correct the exam. The exam time is usually from one to one and one-half hours and must be monitored.

Subp. 2.A.(4). The special engineer license is increased 88 percent to $15.00. The increase reflects the higher administrative costs for the time involved in reviewing the application, correcting the 33 question exam, and monitoring one-half to one hour exam.

Subp. 2.A.(5). The fee increase for the hobby engineer's license reflects the increased administrative cost of reviewing the applications and conducting the examinations. Because the hobby license is a lifetime license and does not need to be renewed, the fee is higher than most of the other license fees. The administrative time necessary to review a hobby license application and monitor the exam is approximately one and one-half hours, plus travel time.

Subp. 2.A.(6). The increase in the pilot's fee is needed because of higher expenses incurred in the application and testing procedure. The majority of pilot license examinations are conducted off site, usually in the Mille Lacs Lake and Walker area. This requires additional expenses for travel and subsistence for the examiner. As the pilot's license is used for the boating season (usually five months), the fee is adjusted at a lesser amount than other license fees for the higher classes of engineer licenses.

Subp. 2.B. The proposed renewal fees vary according to the grade of license held. The higher fees for the higher grades reflect the higher salaries usually earned by engineers with higher grades.

Subp. 3. Boiler and pressure vessel inspection. The fee increases for boiler and pressure vessel inspections reflect increased inspection and administrative costs for the time required to inspect these objects. It is reasonable to adjust the fee to be comparable to inspection fees charged in other states, which require inspections. The inspection fee amounts for the state of Minnesota are low compared to Iowa: boilers $25 to $41, pressure vessels $10 to $14; South Dakota: boilers internal inspection $30 to $60, external inspection $10 to $30; Wisconsin: internal inspection $20 to $175, pressure vessels over 12 cubic feet $25 to $45; Michigan: $25 to $102.

Subp. 4. Shop inspections. The fees for shop inspections are increased to be more compatible with fees charged by the authorized insurance companies who perform shop inspections. The present fees for these inspections are much lower than those fees charged by insurance companies. The state's lower fees encourages over-utilization of state inspectors, and the proposed increase reduces the fee disparity.

Subp. 5. Inspectors. The fee increase for inspector examinations, certificates and endorsements is needed to offset the cost of conducting examinations and issuing certificates. National Board examinations are conducted four time per year and are required to be monitored by the Chief Inspector and one additional jurisdiction inspector for a period of one and one-half days for each examination date. At times, there are one or two applicants for the one and one-half day examination.

Subp. 6. Exemption certificates. The fees for exemption certificates are unchanged.

Subp. 7. Vessel inspections. The increase of the vessel inspection fee is needed to justify the time spent by the inspection staff conducting boat inspections. Vessels operating on inland waters are rated in passenger capacity and length in feet. As it requires more inspection time to inspect a larger vessel, the proposed fees are adjusted accordingly.

The time involved in conducting boat inspections varies from one-half to two hours (excluding travel time). These inspections are usually conducted by two inspectors at a cost of approximately $18.00 per hour plus expenses for each inspector.

IMPACT ON SMALL BUSINESS

The proposed increase in license application and renewals would only indirectly affect small business, as the fees apply to individuals only. The proposed increase for the inspection fee has been increased only $5 or $10 for boilers normally operated by small business. In the event the small business owners are also boiler operators, the Special Class license is usually needed and because this fee is insignificant the increase would not have a serious impact on small business. Larger business who use larger boilers would require the higher grade of license and increased fees. Thus, under these proposed rules, larger businesses which are usually able to absorb larger overhead costs will pay higher fees than the small businesses with lower overhead costs.

Minnesota Statute § 14.115, Subd. 2 requires the Department to consider five methods of reducing the impact of the amendments on small business. The department has considered each of these five methods, and has determined that none of the methods for reducing the impact on small business is available.

1. Establish less stringent compliance or reporting requirements. Less stringent licensing requirements than those set forth in Minn. Stat. Ch. 183 are not within the Department's statutory authority.

2. Establish less stringent schedules for compliance or reporting. Minnesota Statute Ch. 183 requires one annual inspection of boilers per year. Any less stringent requirement could affect the safety

of life and property and is not within the Department's statutory authority to provide.

3. Consolidation or simplification of compliance and reporting. Nothing contained in the fee increase proposal affects current compliance or reporting requirements.

4. Establishment of performance standards to replace design or operational standards. This criterion does not apply to the proposed fee amendments.

5. Exemption of small business from any or all requirements. A boiler or pressure vessel in a small business could be operated unsafely or could be deteriorated to a condition which would render it unsafe without qualified operation or inspection. This could endanger the lives and property of the citizens of our state. An exemption would be contrary to the objective of Minn. Stat. Ch. 183. Proposed fee increases are necessary to continue the licensing of operators and provide inspections to ensure safety.

IMPACT ON PUBLIC BODIES

The estimated total cost of these amendments to public bodies does not exceed the $100,000 threshold amount in Minn. Stat. § 14.11, Subd. 1. There should be no effect on public bodies for the proposed increase in license application, examination and renewal fees, as these fees only apply to individuals. The increase for inspections is estimated to impact public bodies as a group in the total amount of approximately $2,500 per year.

APPROVAL BY COMMISSIONER OF FINANCE

The proposed amendments have been reviewed and approved by the Commissioner of Finance pursuant to Minn. Stat. § 16A.128, Subd. 1.

Dated: October 10, 1985. Approved: Charles P. Bielick
for Commissioner of Finance

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses.

CERTIFICATE OF COMPLIANCE WITH RULEMAKING PROCEDURES

I hereby certify 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.

Harold W. Schultz II

HAROLD W. SCHULTZ, II
Special Assistant
Attorney General

Dated: November 14th, 1985

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Code Enforcement Division, of Amendments to Rules Governing Fees for Inspections and Boiler Engineers' Licenses.

CERTIFICATE

I hereby certify that no persons or groups have requested to be informed that materials in the above-captioned matter have been submitted to the Attorney General pursuant to Minn. Stat. § 14.26 (1984).

Joan Volz, Chief Counsel
Department of Labor and Industry

Dated: November 14, 1985

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT LABOR AND INDUSTRY

Office Memorandum

TO: Martha J. Casserly
Special Assistant Attorney General

DATE: 11/14/85

FROM: Joan Volz
Chief Counsel

PHONE: 7-4795

SUBJECT: **ADOPTION OF AMENDMENTS TO RULES GOVERNING FEES FOR INSPECTIONS AND BOILER ENGINEERS' LICENSES**

The Department of Labor and Industry has adopted the above-captioned rules pursuant to its authority under Minn. Stat. § 183.545 (1984) and pursuant to the procedures prescribed by Minn. Stat. § 16A.128. Having received no requests for a public hearing, the Department proceeded under the noncontroversial rulemaking provisions, Minn. Stat. §§ 14.21-14.28 (1984). The Department is now submitting the amendments to the Attorney General for approval pursuant to Minn. Stat. § 14.26.

As the following documents demonstrate, the Department has fully complied with all requirements imposed by law or rule:

1. An Order for Publication and for Notice of Intent to Adopt Rules Without a Public Hearing was issued by the commissioner on September 27, 1985. It directed the publication of the Notice in the State Register and the mailing of the Notice to all persons on the list maintained by the agency.

2. A Certificate verifying the accuracy and completeness of the agency's mailing list of persons and groups requesting notice of proposed adoption of amendments was prepared on October 10, 1985.

3. An Affidavit of Mailing the Notice of Intent to Amend Rules without a Public Hearing on October 10, 1985 to persons and groups on the certified list described in number two was executed.

4. The Notice of Intent to Amend Rules Without a Public Hearing was published in the State Register at 10 S.R. 881 on October 14, 1985 together with the rules as proposed. The Notice contained all of the elements required by Minn. Rules pt. 2000.0400, subp. 2 and by Minn. Stat. § 16A.128.

5. A Statement of Need and Reasonableness describing the reasons, arguments, and evidence supporting a finding of need for and reasonableness of the proposed rules was drafted and made available to the public on October 10, 1985.

6. No comments or requests for hearing were received by the Department during the 30 days ending on November 13, 1985.

7. Findings of Fact were issued by the Commissioner on November 14, 1985. These findings document the Department's compliance with all requirements of law and rule and the need and reasonableness of the proposed rules.

8. An Order Adopting Amendments to Rules was issued by the Commissioner on November 14, 1985. It states that proper notice of the proposed rulemaking was effected, no requests for public hearing were received, and that the rules are needed and reasonable.

9. A certificate verifying that no persons or groups requested to be notified of the submission of these rules to the Attorney General was completed on November 14, 1985.

10. A Certificate of Compliance with Rulemaking Procedures was signed on November 14, 1985 by Harold Schultz, Special Assistant Attorney General.

Please call me or Hap Schultz if you have any questions regarding these rules.

JV/crm

4200.4600 PURPOSE

Parts 4200.4500 to 4200.5000 are adopted for the purpose of allowing prompt and proper applications for design and construction loans after comprehensive preliminary engineering, economic, and, when applying for a construction loan, design studies have been completed. Applications to the authority shall be submitted to the commissioner on behalf of the authority. The commissioner shall review applications to determine the eligibility of the municipality, eligibility of the district heating project,and application completeness. If the commissioner determines that an application is incomplete, procedures found in parts 4200.2750 and 4200.4300 apply.

This is needed to define the purpose of the program and to inform prospective applicants that preliminary studies must be done before application can be made. Also, the procedures which will be followed once an application has been received are explained. It is necessary and reasonable to indicate these procedures because applicants should be informed of the process an application must go through.