

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 1227

05.0009.0119

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-3-85
DATE FOR REVIEW 12-12
DATE DUE 12-17

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

Approved 12/12/85 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 12-18-85 Revisor approved 12.5.85 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 11.19.85 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 4.1.85 + comments " 4.15.85

✓ Order for rulemaking 5.2.85 and 8.1.85
_____ date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement

✓ Affidavit of Mailing Notice of rulemaking
5.22.85
~~8.19.85~~
9.23.85
At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificates 5.22, 8.19 and 9.23.85.

✓ Publication in State Register
5.27.85
8.19.85 9.16.85.
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

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.

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
misstates AG address.

✓ Statement of Richard Gomsrud re rule promulgation procedure, multiple notices and publications

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: ATTORNEY GENERAL

MICHAEL A. HATCH, Commissioner
Department of Commerce

ATTN! TO: ALAN I. GILBERT
Special Assistant Attorney General

DATE: 12/18/85

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption of Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness

The above-referenced rule has been approved as to its legality by the Attorney General on December 17, 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

RR1229

AG copy

Department of Commerce

Adopted Rules Governing Discrimination Because of Blindness

Rule as Adopted

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Discrimination because of blindness or partial blindness.** It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness or partial blindness.

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind are subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight.

However, an insurer may exclude from coverage disabilities, consisting solely of blindness or partial blindness when the condition existed at the time the policy was issued.

APPROVED AS TO FORM AND LEGALITY

12/17 1985

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 1 8 1985

Joan Anderson Growe
Secretary of State

9:20 A.M.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness

ORDER ADOPTING RULE

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on September 23, 1985 and was sent by the United States mail to all persons on the list maintained by the Department of Commerce pursuant to Minnesota Statutes Section 14.14, subd. 1a, on September 23, 1985.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than twenty-five (25) written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness are adopted this 19th day of November 1985 pursuant to authority vested in me by Minnesota Statutes Section 45.023 and 72A.19.

MICHAEL A. HATCH
Commissioner of Commerce

State of Minnesota
Department of Commerce

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Prohibiting Discrimination in Insurance Due to Blindness Promulgation of these rules is authorized by Minnesota Statutes, sections 45.023 and 72A.19.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes, sections 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Richard G. Gomsrud, General Counsel Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-5689.

All statements of information and comment shall be accepted until April 1, 1985. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

MICHAEL A. HATCH
Commissioner of Commerce

State of Minnesota
Department of Commerce

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness including the Impact of the Rules on Small Businesses.

This Notice is being re-published due to a print error regarding the end of the information and comment accepting period.

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Prohibiting Discrimination in Insurance Due to Blindness Promulgation of these rules is authorized by Minnesota Statutes, sections 45.023 and 72A.19.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes, sections 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Richard G. Gomsrud, General Counsel Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-5689.

All statements of information and comment shall be accepted until May 22, 1985. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

MICHAEL A. HATCH
Commissioner of Commerce

HEALTH INSURANCE ASSOCIATION OF AMERICA

332 S. Michigan Avenue, Chicago, Illinois 60604-4362, (312) 322-0800

State of Minnesota

MAY 03 1985

Department of Commerce

May 1, 1985

Mr. Richard G. Gomsrud
General Counsel
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101

RE: Rules Prohibiting Discrimination in Insurance Due to Blindness

Dear Mr. Gomsrud:

I am writing on behalf of the Health Insurance Association of America (HIAA), a trade association representing approximately 335 insurance companies responsible for over 85% of the health insurance written by insurance companies in the United States. This letter is in response to the notice which appeared in the April 1, 1985 State Register in which your Department requested information and comments which would assist it in promulgating rules relating to the prohibition of discrimination in insurance due to blindness.

The position of the HIAA is one of support for the Model Regulation on Unfair Discrimination on the Basis of Blindness or Partial Blindness which was adopted by the NAIC during its December 1984 meeting.

It is particularly important that both the text of the model regulation and the drafting notes which follow be incorporated in the text of any regulation which a state is considering. Such is the case since recognition would thereby be given to the fact that blindness oftentimes has an underlying cause, such as diabetes, and a company should not be prohibited from making underwriting determinations on that underlying cause even though the condition of blindness or partial blindness itself may not be underwritten.

In addition, the fact that a company may exclude from coverage under policies containing an appropriate provision, disabilities consisting solely of blindness or partial blindness if either condition is in existence at the time the policy is issued, recognizes the antiselection problems which would otherwise be present.

We appreciate having been given the opportunity to provide you with our comments concerning this matter, and we would be happy to answer any questions which you may have.

Very truly yours,

Robert J. Steil
Assistant Counsel

RJS/jl
Attachment

cc: Larry Frederickson, Northwestern National Life
Bob Johnson, Insurance Federation of Minnesota

MODEL REGULATION ON UNFAIR DISCRIMINATION ON THE BASIS OF BLINDNESS OR PARTIAL BLINDNESS

Table of Contents

Section I.	Authority
Section II.	Purpose
Section III.	Unfairly Discriminatory Acts or Practices

Section I. Authority

This regulation is promulgated pursuant to the authority granted by Section 12 of the Unfair Trade Practices Act.

Section II. Purpose

The purpose of this regulation is to identify specific acts or practices which are prohibited by Section 4(7) of the Unfair Trade Practices Act.

Section III. Unfairly Discriminatory Acts or Practices

The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class: Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness.

Drafting Notes:

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his her eyesight.

However, an insurer may exclude from coverage disabilities, consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

Note: States which have not adopted section 4 7 or section 12 of the NAIC Model Unfair Trade Practices Act may not be able to adopt the proposed regulation. The NAIC Task Force on Unfair Discrimination Against The Blind has developed the following statutory language designed to accomplish the same result as the proposed regulation, but which is not an official NAIC Model Act

"Sec. 1. Unfair methods of competition and unfair or deceptive acts or practices in the business of life or accident or health insurance or annuities include, refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual or charging an individual a different rate for the same coverage solely because of blindness or partial blindness

Copyright NAIC 1985

"Sec. 2. This law shall apply to life or accident or health insurance policies or insurance contracts or annuities delivered or issued for delivery in this state by an insurer 90 days after the effective date of this law."

Legislative History (all References are to the Proceedings of the NAIC).

1978 Proc. II 31, 34, 266, 268, 273
1985 Proc. I

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES
1285 Avenue of the Americas, New York, N. Y. 10019

JACKLYN V. KEMPER
Assistant Counsel
(212) 554-3221

State of Minnesota
MAY 14 1985
Department of Commerce

May 8, 1985

Mr. Richard G. Gomsrud
General Counsel
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101

Re: Proposed Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness

Dear Mr. Gomsrud:

In response to your request for information which would be of assistance in promulgating rules prohibiting discrimination in insurance due to blindness, we urge the adoption of the recently-revised NAIC Model on blindness discrimination, including the drafting notes.

We trust our suggestion proves helpful.

Sincerely,

Jacklyn V. Kemper

JVK:tl
4208C

20 WASHINGTON AVENUE SOUTH · MINNEAPOLIS, MINNESOTA 55440



NORTHWESTERN NATIONAL LIFE INSURANCE COMPANY

LARRY R. FREDRICKSON
SECOND VICE PRESIDENT AND ASSISTANT GENERAL COUNSEL
GOVERNMENT RELATIONS

(612) 372-5604

May 6, 1985

State of Minnesota
MAY 08 1985
Department of Commerce

Richard G. Gomsrud
General Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55202

Re: Proposed Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness

Dear Mr. Gomsrud:

The April 15, 1985 State Register included a notice from your Department requesting outside opinion regarding proposed rules relating to prohibiting discrimination in insurance due to blindness. Northwestern National Life Insurance feels that it would be appropriate for the Minnesota Department of Commerce to adopt the recently revised model regulation on unfair discrimination on the basis of blindness or partial blindness which has been endorsed by the National Association of Insurance Commissioners. Our underwriting practices are already consistent with this model.

We feel that this model rule fully addresses this issue. We also urge you to include the NAIC drafting notes in the rule or, at least, make it clear in the record relating to the adoption of a rule that the drafting notes are incorporated into it.

Thank you for your consideration of our views on this matter.

Yours truly,

Larry R. Fredrickson

Larry R. Fredrickson

LRF:gy

cc: Mr. Demichelis
Mr. Steil
Mr. Marlatt

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness	ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 1st day of August, 1985 that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Commerce for that purpose and be published in the State Register.

Michael A. Hatch
Commissioner of Commerce

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed
Rules Relating to Prohibiting
Discrimination in Insurance
Due to Blindness

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 2nd day of May, 1985 that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Commerce for that purpose and be published in the State Register.

Michael A. Hatch
Commissioner of Commerce

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a writen request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard. G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101. (612)-296-5689.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address. (612)-296-3528.

Michael A. Hatch
Commissioner of Commerce

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a writen request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard. G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101. (612)-296-5689.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address. (612)-296-3528.

Michael A. Hatch
Commissioner of Commerce

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, General Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19 . Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch.188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE
500 METRO SQUARE BUILDING
ST. PAUL, MN 55101

ATTENTION:
RULE RELATED MATERIAL

FIRST CLASS MAIL

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, General Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19 . Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch.188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rule as Proposed

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Discrimination because of blindness.** It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness.

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind are subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight.

However, an insurer may exclude from coverage disabilities, consisting solely of blindness or partial blindness when the condition existed at the time the policy was issued.

APPROVED IN THE

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Cancellation of Commercial
Liability Insurance Policies

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a writen request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Rules as Proposed (all new material)

CANCELLATION OF COMMERCIAL LIABILITY INSURANCE

2700.2400 CANCELLATION.

Subpart 1. **Reason for cancellation.** No insurer may cancel a policy of commercial liability insurance except for one or more of the following reasons:

A. nonpayment of premium;

B. the policy was obtained through material misrepresentation;

C. actions by the insured occuring during the term of the policy that have substantially increased or substantially changed the risk insured; or

D. refusal of the insured to eliminate known conditions that increase the potential for loss after notification by the insurer that the condition must be removed.

Subp. 2. **Notice required.** Before a cancellation notice may be issued under subpart 1, item C or D, a written request stating the condition requested to be removed and the reason why the condition increases the potential for loss must be sent to the insured. The notice must inform the insured as to any time limits for compliance. The time limits for compliance must be sufficient to allow the insured to comply. The notice must inform the insured of the intent to cancel the policy if the condition is not removed.

2700.2410 STATEMENT OF REASONS FOR CANCELLATION.

No notice of cancellation of a commercial liability insurance policy is effective unless the specific underwriting or other reasons for the cancellation are stated in the notice and the notice is mailed or delivered by the insurer to the named insured at least 60 days prior to the effective date of cancellation; provided, however, that when nonpayment of premium is the reason for cancellation, at least ten days' notice of cancellation shall be given. When nonpayment of premiums is the reason for cancellation, the reason must be given to the insured with the notice of cancellation.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

2700.2420 REFUND OF PREMIUM ON CANCELLATION.

Cancellation of a commercial liability insurance policy pursuant to parts 2700.2400 and 2700.2410 is not effective unless any unearned premium due the insured is returned to the insured with the notice of cancellation or is delivered or sent by mail to the insured so as to be received by the insured no later than the effective date of cancellation.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

In the Matter of the Proposed Adoption
of Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT OF
MAILING

Richard G. Gomsrud, being first duly sworn, deposes and says:

That on the 23rd day of September 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, the attached Notice of Hearing was served by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy properly prepared with first-class postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Department of Commerce for the purpose of receiving notice of the proposed adoption of rules by the department.

Richard G. Gomsrud

Subscribed and sworn to before me
this 19th day of November 1985.

Notary Public

MARILYN J. ROBINSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires June 16, 1987

In the Matter of the Proposed Adoption
of Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT OF
MAILING

Richard G. Gomsrud, being first duly sworn, deposes and says:

That on the 19th day of August 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, the attached Notice of Hearing was served by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy properly prepared with first-class postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Department of Commerce for the purpose of receiving notice of the proposed adoption of rules by the department.

Richard G. Gomsrud

Subscribed and sworn to before me
this 19th day of November 1985.

Notary Public

MARILYN J. ROBINSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires June 18, 1987

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE
500 METRO SQUARE BUILDING
ST. PAUL, MN 55101

ATTENTION:
RULE RELATED MATERIAL

FIRST CLASS MAIL

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a writen request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard. G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101. (612)-296-5689.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address. (612)-296-3528.

Michael A. Hatch
Commissioner of Commerce

Rule as Proposed

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Discrimination because of blindness or partial blindness.** It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness or partial blindness.

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind are subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight.

However, an insurer may exclude from coverage disabilities, consisting solely of blindness or partial blindness when the condition existed at the time the policy was issued.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: [illegible]

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Rose T. Weiner , being first duly sworn, deposes and says:

That on the 22nd day of May, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt 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 properly prepared with first-class postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules.

A copy of the proposed rules is attached.

Rose T. Weiner
ROSE T. WEINER

Subscribed and sworn to before me this
23rd day of May, 1985.

Nancy J. Link
Notary Public

NANCY L. LINK
NOTARY PUBLIC - MINNESOTA
MY COM... EXP. ...3, 1990

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE
500 METRO SQUARE BUILDING
ST. PAUL, MN 55101

ATTENTION:
RULE RELATED MATERIAL

FIRST CLASS MAIL

State of Minnesota
Department of Commerce

In the Matter of the Proposed Repeal of
Rules Relating to Commercial Insurance Filing Exemptions Minnesota Rules 2700.2100, 2700.2200 and 2700.2300

Notice of Intent to Repeal Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sec. 14.21.

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Sec. 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the rules that are to be repealed is contained in Minnesota Statutes, Sec. 70A.02, subd. 3 . Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the repeal of the rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch.188 codified as Minn. Stat. Sec. 14.115, subd. 2, the impact on small business has been considered in the repeal of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon repeal of the final rules without a public hearing, the rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the repealed rules 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 Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

Copies of this Notice and the rules may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

REPEALER. Minnesota Rules, parts 2700.2100; 2700.2200; and 2700.2300 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, General Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19 . Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch.188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rule as Proposed

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. Discrimination because of blindness. It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 23rd day of September, 1985.

Richard G. Gomsrud

Alliance of American Insurers
Attn: Debra G. Wozniak
1501 Woodfield Rd., Suite 400 West
Schaumberg, IL 60195

Willys P. Jones
Allison-Williams Co.
2300 IDS Center
Minneapolis, MN 55402

Mr. Robert J. Demichelis
American Council of Life Insurance
1850 K Street NW
Washington, DC 20006

Fred McGarvey
American Insurance Association
230 W. Monroe
Chicago, IL 60606

Daniel D. Foth
Associated Builders & Contractors
6300 Walker Street, Room 109
Minneapolis, MN 55416

Morris J. Anderson, Exec. Dir.
Association of Minnesota Counties
555 Park Street, Suite 300
St. Paul, MN 55103

Michael C. Black
Michael C. Black Law Office, Ltd.
Suite 201- 265 W 7th St (Fort Road)
St. Paul, MN 55102

R. G. Lanham, Dir. of Research
Carleton Financial Computations
P.O. Box 570
South Bend, IN 46624

John F. Sheski, Counsel
Central Life Assurance Company
P.O. Box 5620
Madison, WI 53705

Glen Tullman
Certified Collateral Corporation
640 N. LaSalle, Suite 640
Chicago, IL 60610

M. D. Monette, V. P. & Counsel
Colonial Penn Group, Inc.
5 Penn Center Plaza
Philadelphia, PA 19181

Timothy L. Tucker
Consumer Credit Insurance Assoc.
307 N. Michigan Ave.
Chicago, IL 60601

Joyce Scanlan
National Federation of the Blind
15 South 9th Street - Suite 715
Minneapolis, MN 55402

Carl Rauer
1085 Flandrau Street
St. Paul, MN 55106

Geraldine Stroh
B.W.O. - A. C. B. M.
3361 Republic Avenue
Minneapolis, MN 55426

Minnesota League of Credit Unions
575 University Avenue
St. Paul, MN 55103

Robert R. Abrohams
Robert R. Abrohams Agency, Inc.
1112 Plymouth Bldg.
Minneapolis, MN 55402

John B. LaMacchia & Associates
Actuaries Management Consultants
12 North Central Avenue
St. Louis, MO 63105

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
Minneapolis, MN 55415

Joseph T. Justice, Counsel
Alexander Howden Group U.S. Inc.
P.O. Box 19539
Atlanta, GA 30325

1380 Soo Line Bldg.
Minneapolis, MN 55402

Norman E. Nelson, Govt. Affairs Dept.
Crum & Forster Corporation
305 Madison Avenue
Morristown, NJ 07960

Gerard P. Davey
Attorney at Law
One Newport Pl., Suite 900
Newport Beach, CA 92660

Michael Bernardino, Mgr.
Dean Witter Reynolds, Inc.
5 World Trade Center
New York, NY 10048

Gerald G. Dederick, Esq.
6800 France Ave. S., #750
Edina, MN 55435

Director
Developmental Disabilities Office
201 Capitol Square Building
St. Paul, MN 55101

David L. Boehnen
Dorsey & Whitney
1st Bank Place East
Minneapolis, MN 55402

Nicholas T. Kakos
Federal Cartridge Corporation
Twin Cities Army Ammunition Plant
New Brighton, MN 55112

Richard Russell, Esq.
Finley, Kumble, Wagner, et al
425 Park Ave.
New York, NY 10022

Fireman's Fund Emp. Ins. Co.
Contracts Department
P.O. Box 1100
Green Bay, WI 54305

Conrad M. Fredin
811 Norwest Center
Duluth, MN 55802

George H. Frisch
1781 Saunders
St. Paul, MN 55116

Frundt, Frundt & Johnson
11[illegible]. 5th Street
Bl[illegible] Earth, MN 56013

Mr. Larry A. Bakken
Hamline Law School
1536 Hewitt
St. Paul, MN 55102

John A. Knapp, Esq.
Hessian, McKasy & Soderberg, P. A.
1500 Midwest Plaza Building
Minneapolis, MN 55402

Norbert A. McCrady
Independent Bankers of Minn.
7850 Metro Pkway., Suite 213
Bloomington, MN 55420

Investment Company Institute
1775 K Street NW
Washington, DC 20006

Peggy Jacobs
IDS Financial Services
IDS Tower
Minneapolis, MN 55402

Stan Jacobson
Research Dept., State of MN
Room 17, State Capitol
St. Paul, MN 55155

Kathleen P. Burek
Exec. Dir., LCRAR
Rm. 510, State Office Building
St. Paul, MN 55155

Susan J. Ladwig
900 Midland Bank Building
Minneapolis, MN 55401

Richard H. Smith, Dir.
Dept. of Land Registration
P.O. Box 569
Bentonville, AR 72712

Vincent A. Pellerito, President
Land Registrations, Inc.
4603 N. 16th St., Suite 2
Phoenix, AZ 85016

League Service Corporation
575 University Avenue
St. Paul, MN 55103

Archibald Spencer
4040 IDS Center
Minneapolis, MN 55402

Dominic J. Sposeto
Dominic Sposeto & Associates
3916 Chowen Ave. S.
Minneapolis, MN 55410

David A. Peterson
State Bond & Mortgage Company
100 North Minnesota Street
New Ulm, MN 56073

Charles F. Happach, Treas. & Gen. Mgr.
State Capitol Credit Union
95 Sherburne
St. Paul, MN 55103

A. Edward Hunter, Asst. Director
State Planning Agency
101 Capitol Square Building
St. Paul, MN 55101

Mary Stanton, Staff Assoc./Fin.
State University System
555 Park St., Suite 230
St. Paul, MN 55103

Gary Gandrud
Stolpestad, Brown & Smith
2000 North Central Tower
St. Paul, MN 55101

Robert E. Swift, Vice President
Title Insurance Company of MN
400 Second Avenue South
Minneapolis, MN 55401

Union Fidelity Life Insurance Co.
Union Fidelity Office Park
Trevose, PA 19049
Attn: Edward G. Farmer, Jr., V.P.

Jerome Scheibl, Vice President
Wausau Insurance Group
2000 Westwood Dr.
Wausau, WI 54401

Larry J. Smith
Assistant Secretary Public Affairs
Western Insurance Companies
14 East First
Fort Scott, Kansas 66701

Workers Comp. Reinsurance Assoc.
900 Minnesota Mutual Life Center
400 North Robert Street
St. Paul, MN 55101

Bruce A. Poulsen, V.P. & Counsel
Prudential Insurance Co. of America
8th Fl., P.O. Box 1143
Minneapolis, MN 55440

Charles A. Kroeger
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

James M. Shamberger, Vice President
Reinsurance Association of America
1025 Connecticut Ave., Suite 512
Washington, D.C. 20036

John P. Flaten
Rider, Bennett, Egan & Arundel
2500 First Bank Pl. W.
Minneapolis, MN 55402

Richard B. Allyn
Robins, Zelle, Larson & Kaplan
1800 International Centre
900 Second Avenue South
Minneapolis, MN 55402

Bernard Rosenberg
Robins, Zelle, Larson & Kaplan
1800 International Centre
900 South Second Avenue South
Minneapolis, MN 55402

W. J. Hay
St. Paul Companies, Inc.
385 Washington Street
St. Paul, MN 55102

Gerald Engeleiter
Government Affairs
St. Paul Fire & Marine Ins. Co.
385 Washington St.
St. Paul, MN 55102

Jim Schloner
7733 W. 24th St.
Minneapolis, MN 55426

Kevin J. Nolan, Atty.
Securities Industry Association
120 Broadway
New York, NY 10271

Cezar M. Froelich, Esq.
Shefsky, Saitlin & Froelich, Ltd.
444 N. Michigan Ave., Suite 2300
Chicago, IL 60611

Stan Bass
Snyder, Larsen & Peters
2636 Portland Avenue
Minneapolis, MN 55407

Minn. Petroleum Council
1025 Northern Federal Bldg
St. Paul, MN 55102

John Van Doorn
Minn. Retail Merchants Assoc.
180 Metro Square Bldg.
St. Paul, MN 55101

Minn. School of Real Est. Inc.
140 W. 98th St.
Oxboro Plaza Bldg.
Bloomington, MN 55420

Maureen Adrian, Exec. Asst.
Minn. State Builders Assoc.
666 Transfer Rd.
St. Paul, MN 55114

Abe Rosenthal, Exec. Vice Pres.
Minn. Transport Services Assn.
1821 University Ave.
St. Paul, MN 55104

Philip B. Sears, Esq.
Mosburg & Wright, Inc.
2200 Classen Blvd., 4th Fl.
Oklahoma City, OK 73106

Michael J. Ahern
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

John F. Stone
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

Municipal Securities Rulemaking Board
1818 N. Street N.W. Suite 800
Washington, DC 20036-2491

NIARS Corporation
Three Eighteen West Franklin
Minneapolis, MN 55404

Mark A. Welshons, Secretary
NWNL Reinsurance Company
P.O. Box 20
Minneapolis, MN 55440

John B. Crosby, V.P. & Gen. Couns.
Natl. Assoc. of Ind. Insurers
2600 River Road
Des Plaines, IL 60018

William R. Anderson, Counsel
Natl. Assoc. of Life Underwriters
1922 F Street, NW
Washington, D.C. 20006

Richard Bouhan, Gov't. Relations Dir.
Natl. Assoc. of Prof. Surplus Lines Of
P.O. Box 1507
Roswell, GA 30077

Leslie Urban, President
National Service Corporation
831 Livestock Exchange Building
P. O. Box 7608
Omaha, NE 68107

Lee T. Peterson
Nelson, Nelson, Kufus & Assoc.
665 N. Snelling Ave.
St. Paul, MN 55104

Ohio State Life Insurance Company
Attn: Harold I. Phillian
471 E. Broad Street
Columbus, OH 43215

Oppenheimer, Wolff, Foster,
Shepard & Donnelly
1700 1st National Bank Building
St. Paul, MN 55101

Orion Group, Inc.
Law Division
9 Farm Springs Dr.
Farmington, CT 06032

Howard McDowell, I-5
Pennsylvania Life Insurance Company
3130 Wilshire Blvd.
Santa Monica, CA 90406

Roger A. Peterson
Peterson, Engberg & Peterson
700 Title Insurance Bldg.
Minneapolis, MN 55401

Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
2229 River Rd. S. & St. Marys Point
Lakeland, MN 55043-9775

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

Celeste B. Relyea, Dir. of St. Affairs
Professional Insurance Agents
400 N. Washington St.
Alexandria, VA 22314

Katie McLenighan
299 E. State Office Bldg.
St. Paul, MN 55155

Mr. Ronald R. Radtke, Mgr., Comp. Svcs.
Metropolitan Prop. & Liability Ins. Co.
700 Quaker Lane
Warwick, RI 02887

D. F. Hennen, Plant Manager
Midland Glass Company, Inc.
P.O. Box 69
Shakopee, MN 55379

Jerrold T. Miller
J. T. Miller Company
1000 Currie Avenue
Minneapolis, MN 55403

John S. Jackson, Gen. Counsel
Minnesota Bankers Association
332 Baker Building
Minneapolis, MN 55402

Gene Johannes
Minnesota Chiropractic Assoc.
2353 Rice St., Suite 125
St. Paul, MN 55113

Minn. Consumer Finance Confer.
810 Norwest Center
St. Paul, MN 55101

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

Joan M. Archer
Minn. Mfg. Housing Assoc.
222 E. Little Canada Rd., S222
St. Paul, MN 55117

Ms. Lois Wattman DeWitt
Minnesota Medical Association
2221 University Ave. SE, #400
Minneapolis, MN 55414

James N. Denn
Minnesota Motor Transport Assn.
1821 University Ave., Room 134N
St. Paul, MN 55104

Security Life Insurance
Robbins & Rashke, P.A.
5200 Willson Rd., Suite 407
Minneapolis, MN 55424

George M. Boyd
Squire, Sanders & Dempsey
1800 Huntington Building
Cleveland, OH 44115

John R. Houston, Esq.
Lindquist & Vennum
4200 IDS Center
Minneapolis, MN 55402

Local 17
Tara Heinecke
Suite 444
312 Central Avenue S.E.
Minneapolis, MN 55414

Mary Beth Brody
MacIntosh & Commers
430 Marquette
Minneapolis, MN 55402

Jean M. Reynolds, Treasurer
Mairs and Power, Inc.
W-2062 First National Bank Bldg.
St. Paul, MN 55101

Ron Marion

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules Relating to Prohibiting Discrimination
in Insurance Due to Blindness

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 19th day of August 1985.

Richard G. Gomsrud

Alliance of American Insurers
Attn: Debra G. Wozniak
1501 Woodfield Rd., Su[redacted]400 West
Schaumberg, IL 60195

Willys P. Jones
Allison-Williams Co.
2300 IDS Center
Minneapolis, MN 55402

Mr. Robert J. Demichelis
American Council of Life Insurance
1850 K Street NW
Washington, DC 20006

Fred McGarvey
American Insurance Association
230 W. Monroe
Chicago, IL 60606

Daniel D. Foth
Associated Builders & Contractors
6300 Walker Street, Room 109
Minneapolis, MN 55416

Morris J. Anderson, Exec. Dir.
Association of Minnesota Counties
555 Park Street, Suite 300
St. Paul, MN 55103

Michael C. Black
Michael C. Black Law Office, Ltd.
Suite 201- 265 W 7th St (Fort Road)
St. Paul, MN 55102

R. G. Lanham, Dir. of Research
Carleton Financial Computations
P.O. Box 570
South Bend, IN 46624

John F. Sheski, Counsel
Central Life Assurance Company
P.O. Box 5620
Madison, WI 53705

Glen Tullman
Certified Collateral Corporation
640 N. LaSalle, Suite 640
Chicago, IL 60610

M. D. Monette, V. P. & Counsel
Colonial Penn Group, Inc.
5 Penn Center Plaza
Philadelphia, PA 19181

Timothy L. Tucker
Consumer Credit Insurance Assoc.
307 N. Michigan Ave.
Chicago, IL 60601

Joyce Scanlan
National Federation of the Blind
15 South [redacted] Street - Suite 715
Minneapolis, MN 55402

Carl Rauer
1085 Flandrau Street
St. Paul, MN 55106

Geraldine Stroh
B.W.O. - A. C. B. M.
3361 Republic Avenue
Minneapolis, MN 55426

Minnesota League of Credit Unions
575 University Avenue
St. Paul, MN 55103

Robert R. Abrohams
Robert R. Abrohams Agency, Inc.
1112 Plymouth Bldg.
Minneapolis, MN 55402

John B. LaMacchia & Associates
Actuaries Management Consultants
12 North Central Avenue
St. Louis, MO 63105

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
Minneapolis, MN 55415

Joseph T. Justice, Counsel
Alexander Howden Group U.S. Inc.
P.O. Box 19539
Atlanta, GA 30325

1380 Soo Line Bldg.
Minneapolis, MN 5540[illegible]

Norman E. Nelson, Govt. Affairs Dept.
Crum & Forster Corporation
305 Madison Avenue
Morristown, NJ 07960

Gerard P. Davey
Attorney at Law
One Newport Pl., Suite 900
Newport Beach, CA 92660

Michael Bernardino, Mgr.
Dean Witter Reynolds, Inc.
5 World Trade Center
New York, NY 10048

Gerald G. Dederick, Esq.
6800 France Ave. S., #750
Edina, MN 55435

Director
Developmental Disabilities Office
201 Capitol Square Building
St. Paul, MN 55101

David L. Boehnen
Dorsey & Whitney
1st Bank Place East
Minneapolis, MN 55402

Nicholas T. Kakos
Federal Cartridge Corporation
Twin Cities Army Ammunition Plant
New Brighton, MN 55112

Richard Russell, Esq.
Finley, Kumble, Wagner, et al
425 Park Ave.
New York, NY 10022

Fireman's Fund Emp. Ins. Co.
Contracts Department
P.O. Box 1100
Green Bay, WI 54305

Conrad M. Fredin
811 Norwest Center
Duluth, MN 55802

George H. Frisch
1781 Saunders
St. Paul, MN 55116

Michael D. Johnson
Frundt, Frundt & Johnson
[illegible]W. 5th Street
Blue Earth, MN 56013

Mr. Larry A. Bakken
Hamline Law School
1536 Hewitt
St. Paul, MN 55102

John A. Knapp, Esq.
Hessian, McKasy & Soderberg, P. A.
1500 Midwest Plaza Building
Minneapolis, MN 55402

Norbert A. McCrady
Independent Bankers of Minn.
7850 Metro Pkway., Suite 213
Bloomington, MN 55420

Investment Company Institute
1775 K Street NW
Washington, DC 20006

Peggy Jacobs
IDS Financial Services
IDS Tower
Minneapolis, MN 55402

Stan Jacobson
Research Dept., State of MN
Room 17, State Capitol
St. Paul, MN 55155

Kathleen P. Burek
Exec. Dir., LCRAR
Rm. 510, State Office Building
St. Paul, MN 55155

Susan J. Ladwig
900 Midland Bank Building
Minneapolis, MN 55401

Richard H. Smith, Dir.
Dept. of Land Registration
P.O. Box 569
Bentonville, AR 72712

Vincent A. Pellerito, President
Land Registrations, Inc.
4603 N. 16th St., Suite 2
Phoenix, AZ 85016

League Service Corporation
575 University Avenue
St. Paul, MN 55103

Archibald Spencer
4040 IDS Center
Minneapolis, MN 55402

Dominic J. Sposeto
Dominic Sposeto & Associates
3916 Chowen Ave. S.
Minneapolis, MN 55410

David A. Peterson
State Bond & Mortgage Company
100 North Minnesota Street
New Ulm, MN 56073

Charles F. Happach, Treas. & Gen. Mgr.
State Capitol Credit Union
95 Sherburne
St. Paul, MN 55103

A. Edward Hunter, Asst. Director
State Planning Agency
101 Capitol Square Building
St. Paul, MN 55101

Mary Stanton, Staff Assoc./Fin.
State University System
555 Park St., Suite 230
St. Paul, MN 55103

Gary Gandrud
Stolpestad, Brown & Smith
2000 North Central Tower
St. Paul, MN 55101

Robert E. Swift, Vice President
Title Insurance Company of MN
400 Second Avenue South
Minneapolis, MN 55401

Union Fidelity Life Insurance Co.
Union Fidelity Office Park
Trevose, PA 19049
Attn: Edward G. Farmer, Jr., V.P.

Jerome Scheibl, Vice President
Wausau Insurance Group
2000 Westwood Dr.
Wausau, WI 54401

Larry J. Smith
Assistant Secretary Public Affairs
Western Insurance Companies
14 East First
Fort Scott, Kansas 66701

Workers Comp. Reinsurance Assoc.
900 Minnesota Mutual Life Center
400 North Robert Street
St. Paul, MN 55101

Bruce A. Poulsen, V.P. & Counsel
Prudential Insurance Co. of America
8th Fl., P.O. Box 1143
Minneapolis, MN 55440

Charles A. Kroeger
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

James M. Shamberger, Vice President
Reinsurance Association of America
1025 Connecticut Ave., Suite 512
Washington, D.C. 20036

John P. Flaten
Rider, Bennett, Egan & Arundel
2500 First Bank Pl. W.
Minneapolis, MN 55402

Richard B. Allyn
Robins, Zelle, Larson & Kaplan
1800 International Centre
900 Second Avenue South
Minneapolis, MN 55402

Bernard Rosenberg
Robins, Zelle, Larson & Kaplan
1800 International Centre
900 South Second Avenue South
Minneapolis, MN 55402

W. J. Hay
St. Paul Companies, Inc.
385 Washington Street
St. Paul, MN 55102

Gerald Engeleiter
Government Affairs
St. Paul Fire & Marine Ins. Co.
385 Washington St.
St. Paul, MN 55102

Jim Schloner
7733 W. 24th St.
Minneapolis, MN 55426

Kevin J. Nolan, Atty.
Securities Industry Association
120 Broadway
New York, NY 10271

Cezar M. Froelich, Esq.
Shefsky, Saitlin & Froelich, Ltd.
444 N. Michigan Ave., Suite 2300
Chicago, IL 60611

Stan Bass
Snyder, Larsen & Peters
2636 Portland Avenue
Minneapolis, MN 55407

Minn. Petroleum Council
1025 Northern Federal Bldg
St. Paul, MN 55102

John Van Doorn
Minn. Retail Merchants Assoc.
180 Metro Square Bldg.
St. Paul, MN 55101

Minn. School of Real Est. Inc.
140 W. 98th St.
Oxboro Plaza Bldg.
Bloomington, MN 55420

Maureen Adrian, Exec. Asst.
Minn. State Builders Assoc.
666 Transfer Rd.
St. Paul, MN 55114

Abe Rosenthal, Exec. Vice Pres.
Minn. Transport Services Assn.
1821 University Ave.
St. Paul, MN 55104

Philip B. Sears, Esq.
Mosburg & Wright, Inc.
2200 Classen Blvd., 4th Fl.
Oklahoma City, OK 73106

Michael J. Ahern
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

John F. Stone
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

Municipal Securities Rulemaking Board
1818 N. Street N.W. Suite 800
Washington, DC 20036-2491

NIARS Corporation
Three Eighteen West Franklin
Minneapolis, MN 55404

Mark A. Welshons, Secretary
NWNL Reinsurance Company
P.O. Box 20
Minneapolis, MN 55440

John B. Crosby, V.P. & Gen. Couns.
Natl. Assoc. of Ind. Insurers
2600 River Road
Des Plaines, IL 60018

William R. Anderson, Counsel
Natl. Assoc. of Life Underwriters
1922 F Street, NW
Washington, D.C. 20006

Richard Bouhan, Gov't. Relations Dir.
Natl. Assoc. of Prof. Surplus Lines Offices
P.O. Box 1507
Roswell, GA 30077

Leslie Urban, President
National Service Corporation
831 Livestock Exchange Building
P. O. Box 7608
Omaha, NE 68107

Lee T. Peterson
Nelson, Nelson, Kufus & Assoc.
665 N. Snelling Ave.
St. Paul, MN 55104

Ohio State Life Insurance Company
Attn: Harold I. Phillian
471 E. Broad Street
Columbus, OH 43215

Oppenheimer, Wolff, Foster,
Shepard & Donnelly
1700 1st National Bank Building
St. Paul, MN 55101

Orion Group, Inc.
Law Division
9 Farm Springs Dr.
Farmington, CT 06032

Howard McDowell, I-5
Pennsylvania Life Insurance Company
3130 Wilshire Blvd.
Santa Monica, CA 90406

Roger A. Peterson
Peterson, Engberg & Peterson
700 Title Insurance Bldg.
Minneapolis, MN 55401

Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
2229 River Rd. S. & St. Marys Point
Lakeland, MN 55043-9775

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

Celeste B. Relyea, Dir. of St. Affairs
Professional Insurance Agents
400 N. Washington St.
Alexandria, VA 22314

Katie McLenighan
299 E. State Office Bldg.
St. Paul, MN 55155

Mr. Ronald R. Radtke, Mgr., Comp. Svcs.
Metropolitan Prop. & Liability Ins. Co.
700 Quaker Lane
Warwick, RI 02887

D. F. Hennen, Plant Manager
Midland Glass Company, Inc.
P.O. Box 69
Shakopee, MN 55379

Jerrold T. Miller
J. T. Miller Company
1000 Currie Avenue
Minneapolis, MN 55403

John S. Jackson, Gen. Counsel
Minnesota Bankers Association
332 Baker Building
Minneapolis, MN 55402

Gene Johannes
Minnesota Chiropractic Assoc.
2353 Rice St., Suite 125
St. Paul, MN 55113

Minn. Consumer Finance Confer.
810 Norwest Center
St. Paul, MN 55101

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

Joan M. Archer
Minn. Mfg. Housing Assoc.
222 E. Little Canada Rd., S222
St. Paul, MN 55117

Ms. Lois Wattman DeWitt
Minnesota Medical Association
2221 University Ave. SE, #400
Minneapolis, MN 55414

James N. Denn
Minnesota Motor Transport Assn.
1821 University Ave., Room 134N
St. Paul, MN 55104

Security Life Insurance
Robbins & Rashke, P.A.
5200 Willson Rd., Suite 407
Minneapolis, MN 55424

George M. Boyd
Squire, Sanders & Dempsey
1800 Huntington Building
Cleveland, OH 44115

John R. Houston, Esq.
Lindquist & Vennum
4200 IDS Center
Minneapolis, MN 55402

Local 17
Tara Heinecke
Suite 444
312 Central Avenue S.E.
Minneapolis, MN 55414

Mary Beth Brody
MacIntosh & Commers
430 Marquette
Minneapolis, MN 55402

Jean M. Reynolds, Treasurer
Mairs and Power, Inc.
W-2062 First National Bank Bldg.
St. Paul, MN 55101

Ron Marien

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of
Rules Relating to Prohibiting Discrimination
in Insurance due to Blindness.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, Sec. 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 22nd day of May, 1985.

Rose T. Weiner

ROSE T. WEINER

Alliance of American Insurers
Attn: Debra G. Wozniak
1501 Woodfield Rd., Suite 400 West
Schaumberg, IL 60195

Willys P. Jones
Allison-Williams Co.
2300 IDS Center
Minneapolis, MN 55402

Mr. Robert J. Demichelis
American Council of Life Insurance
1850 K Street NW
Washington, DC 20006

Fred McGarvey
American Insurance Association
230 W. Monroe
Chicago, IL 60606

Daniel D. Foth
Associated Builders & Contractors
6300 Walker Street, Room 109
Minneapolis, MN 55416

Morris J. Anderson, Exec. Dir.
Association of Minnesota Counties
555 Park Street, Suite 300
St. Paul, MN 55103

Michael C. Black
Michael C. Black Law Office, Ltd.
Suite 201- 265 W 7th St (Fort Road)
St. Paul, MN 55102

R. G. Lanham, Dir. of Research
Carleton Financial Computations
P.O. Box 570
South Bend, IN 46624

John F. Sheski, Counsel
Central Life Assurance Company
P.O. Box 5620
Madison, WI 53705

Glen Tullman
Certified Collateral Corporation
640 N. LaSalle, Suite 640
Chicago, IL 60610

M. D. Monette, V. P. & Counsel
Colonial Penn Group, Inc.
5 Penn Center Plaza
Philadelphia, PA 19181

Timothy L. Tucker
Consumer Credit Insurance Assoc.
307 N. Michigan Ave.
Chicago, IL 60601

Joyce Scanl
National Federation of the Blind
15 South 5th Street - Suite 715
Minneapolis, MN 55402

Carl Rauer
1085 Flandrau Street
St. Paul, MN 55106

Geraldine Stroh
B.W.O. - A. C. B. M.
3361 Republic Avenue
Minneapolis, MN 55426

Minnesota League of Credit Unions
575 University Avenue
St. Paul, MN 55103

Robert R. Abrohams
Robert R. Abrohams Agency, Inc.
1112 Plymouth Bldg.
Minneapolis, MN 55402

John B. LaMacchia & Associates
Actuaries Management Consultants
12 North Central Avenue
St. Louis, MO 63105

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
Minneapolis, MN 55415

Joseph T. Justice, Counsel
Alexander Howden Group U.S. Inc.
P.O. Box 19539
Atlanta, GA 30325

20

Coury, Schwinn, Kodadek & McRoberts
1380 Soo Line Bldg.
Minneapolis, MN 55402

Norman E. Nelson, Govt. Affairs Dept.
Crum & Forster Corporation
305 Madison Avenue
Morristown, NJ 07960

Gerard P. Davey
Attorney at Law
One Newport Pl., Suite 900
Newport Beach, CA 92660

Michael Bernardino, Mgr.
Dean Witter Reynolds, Inc.
5 World Trade Center
New York, NY 10048

Gerald G. Dederick, Esq.
6800 France Ave. S., #750
Edina, MN 55435

Director
Developmental Disabilities Office
201 Capitol Square Building
St. Paul, MN 55101

David L. Boehnen
Dorsey & Whitney
1st Bank Place East
Minneapolis, MN 55402

Nicholas T. Kakos
Federal Cartridge Corporation
Twin Cities Army Ammunition Plant
New Brighton, MN 55112

Richard Russell, Esq.
Finley, Kumble, Wagner, et al
425 Park Ave.
New York, NY 10022

Fireman's Fund Emp. Ins. Co.
Contracts Department
P.O. Box 1100
Green Bay, WI 54305

Conrad M. Fredin
811 Norwest Center
Duluth, MN 55802

George H. Frisch
1781 Saunders
St. Paul, MN 55116

Michael D. Johnson
Fru[illegible], Frundt & Johnson
117 W. 5th Street
Blue Earth, MN 56013

Mr. Larry A. Bakken
Hamline Law School
1536 Hewitt
St. Paul, MN 55102

John A. Knapp, Esq.
Hessian, McKasy & Soderberg, P. A.
1500 Midwest Plaza Building
Minneapolis, MN 55402

Norbert A. McCrady
Independent Bankers of Minn.
7850 Metro Pkway., Suite 213
Bloomington, MN 55420

Investment Company Institute
1775 K Street NW
Washington, DC 20006

Peggy Jacobs
IDS Financial Services
IDS Tower
Minneapolis, MN 55402

Stan Jacobson
Research Dept., State of MN
Room 17, State Capitol
St. Paul, MN 55155

Kathleen P. Burek
Exec. Dir., LCRAR
Rm. 510, State Office Building
St. Paul, MN 55155

Susan J. Ladwig
900 Midland Bank Building
Minneapolis, MN 55401

Richard H. Smith, Dir.
Dept. of Land Registration
P.O. Box 569
Bentonville, AR 72712

Vincent A. Pellerito, President
Land Registrations, Inc.
4603 N. 16th St., Suite 2
Phoenix, AZ 85016

League Service Corporation
575 University Avenue
St. Paul, MN 55103

Archibald Spencer
4040 IDS Center
Minneapolis, MN 55402

Dominic J. Sposeto
Dominic Sposeto & Associates
3916 Chowen Ave. S.
Minneapolis, MN 55410

David A. Peterson
State Bond & Mortgage Company
100 North Minnesota Street
New Ulm, MN 56073

Charles F. Happach, Treas. & Gen. Mgr.
State Capitol Credit Union
95 Sherburne
St. Paul, MN 55103

A. Edward Hunter, Asst. Director
State Planning Agency
101 Capitol Square Building
St. Paul, MN 55101

Mary Stanton, Staff Assoc./Fin.
State University System
555 Park St., Suite 230
St. Paul, MN 55103

Gary Gandrud
Stolpestad, Brown & Smith
2000 North Central Tower
St. Paul, MN 55101

Robert E. Swift, Vice President
Title Insurance Company of MN
400 Second Avenue South
Minneapolis, MN 55401

Union Fidelity Life Insurance Co.
Union Fidelity Office Park
Trevose, PA 19049
Attn: Edward G. Farmer, Jr., V.P.

Jerome Scheibl, Vice President
Wausau Insurance Group
2000 Westwood Dr.
Wausau, WI 54401

Larry J. Smith
Assistant Secretary Public Affairs
Western Insurance Companies
14 East First
Fort Scott, Kansas 66701

Workers Comp. Reinsurance Assoc.
900 Minnesota Mutual Life Center
400 North Robert Street
St. Paul, MN 55101

Bruce A. Poulsen, V.P. & Counsel
Prudential Insurance Co. of America
8th Fl., P.O. Box 1143
Minneapolis, MN 55440

Charles A. Kroeger
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

James M. Shamberger, Vice President
Reinsurance Association of America
1025 Connecticut Ave., Suite 512
Washington, D.C. 20036

John P. Flaten
Rider, Bennett, Egan & Arundel
2500 First Bank Pl. W.
Minneapolis, MN 55402

Richard B. Allyn
Robins, Zelle, Larson & Kaplan
1800 International Centre
900 Second Avenue South
Minneapolis, MN 55402

Bernard Rosenberg
Robins, Zelle, Larson & Kaplan
1800 International Centre
900 South Second Avenue South
Minneapolis, MN 55402

W. J. Hay
St. Paul Companies, Inc.
385 Washington Street
St. Paul, MN 55102

Gerald Engeleiter
Government Affairs
St. Paul Fire & Marine Ins. Co.
385 Washington St.
St. Paul, MN 55102

Jim Schloner
7733 W. 24th St.
Minneapolis, MN 55426

Kevin J. Nolan, Atty.
Securities Industry Association
120 Broadway
New York, NY 10271

Cezar M. Froelich, Esq.
Shefsky, Saitlin & Froelich, Ltd.
444 N. Michigan Ave., Suite 2300
Chicago, IL 60611

Stan Bass
Snyder, Larsen & Peters
2636 Portland Avenue
Minneapolis, MN 55407

Minn. Petroleum Council
1025 Northern Federal Bldg.
St. Paul, MN 55102

John Van Doorn
Minn. Retail Merchants Assoc.
180 Metro Square Bldg.
St. Paul, MN 55101

Minn. School of Real Est. Inc.
140 W. 98th St.
Oxboro Plaza Bldg.
Bloomington, MN 55420

Maureen Adrian, Exec. Asst.
Minn. State Builders Assoc.
666 Transfer Rd.
St. Paul, MN 55114

Abe Rosenthal, Exec. Vice Pres.
Minn. Transport Services Assn.
1821 University Ave.
St. Paul, MN 55104

Philip B. Sears, Esq.
Mosburg & Wright, Inc.
2200 Classen Blvd., 4th Fl.
Oklahoma City, OK 73106

Michael J. Ahern
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

John F. Stone
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

Municipal Securities Rulemaking Board
1818 N. Street N.W. Suite 800
Washington, DC 20036-2491

NIARS Corporation
Three Eighteen West Franklin
Minneapolis, MN 55404

Mark A. Welshons, Secretary
NWNL Reinsurance Company
P.O. Box 20
Minneapolis, MN 55440

John B. Crosby, V.P. & Gen. Couns.
Natl. Assoc. of Ind. Insurers
2600 River Road
Des Plaines, IL 60018

William R. Anderson, Counsel
Natl. Assoc. of Life Underwriters
1922 F Street, NW
Washington, D.C. 20006

Richard Bouhan, Gov't. Relations Dir.
Natl. Assoc. of Prof. Surplus Lines Off.
P.O. Box 1507
Roswell, GA 30077

Leslie Urban, President
National Service Corporation
831 Livestock Exchange Building
P. O. Box 7608
Omaha, NE 68107

Lee T. Peterson
Nelson, Nelson, Kufus & Assoc.
665 N. Snelling Ave.
St. Paul, MN 55104

Ohio State Life Insurance Company
Attn: Harold I. Phillian
471 E. Broad Street
Columbus, OH 43215

Oppenheimer, Wolff, Foster,
Shepard & Donnelly
1700 1st National Bank Building
St. Paul, MN 55101

Orion Group, Inc.
Law Division
9 Farm Springs Dr.
Farmington, CT 06032

Howard McDowell, I-5
Pennsylvania Life Insurance Company
3130 Wilshire Blvd.
Santa Monica, CA 90406

Roger A. Peterson
Peterson, Engberg & Peterson
700 Title Insurance Bldg.
Minneapolis, MN 55401

Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
2229 River Rd. S. & St. Marys Point
Lakeland, MN 55043-9775

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

Celeste B. Relyea, Dir. of St. Affairs
Professional Insurance Agents
400 N. Washington St.
Alexandria, VA 22314

Katie McLenighan
299 E. State Office Bldg.
St. Paul, MN 55155

Mr. Ronald R. Radtke, Mgr., Comp. Svcs.
Metropolitan Prop. & Liability Ins. Co.
700 Quaker Lane
Warwick, RI 02887

D. F. Hennen, Plant Manager
Midland Glass Company, Inc.
P.O. Box 69
Shakopee, MN 55379

Jerrold T. Miller
J. T. Miller Company
1000 Currie Avenue
Minneapolis, MN 55403

John S. Jackson, Gen. Counsel
Minnesota Bankers Association
332 Baker Building
Minneapolis, MN 55402

Gene Johannes
Minnesota Chiropractic Assoc.
2353 Rice St., Suite 125
St. Paul, MN 55113

Minn. Consumer Finance Confer.
810 Norwest Center
St. Paul, MN 55101

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

Joan M. Archer
Minn. Mfg. Housing Assoc.
222 E. Little Canada Rd., S222
St. Paul, MN 55117

Ms. Lois Wattman DeWitt
Minnesota Medical Association
2221 University Ave. SE, #400
Minneapolis, MN 55414

James N. Denn
Minnesota Motor Transport Assn.
1821 University Ave., Room 134N
St. Paul, MN 55104

Security Life Insurance
Robbins & Rashke, P.A.
5200 Willson Rd., Suite 407
Minneapolis, MN 55424

George M. Boyd
Squire, Sanders & Dempsey
1800 Huntington Building
Cleveland, OH 44115

John R. Houston, Esq.
Lindquist & Vennum
4200 IDS Center
Minneapolis, MN 55402

Local 17
Tara Heinecke
Suite 444
312 Central Avenue S.E.
Minneapolis, MN 55414

Mary Beth Brody
MacIntosh & Commers
430 Marquette
Minneapolis, MN 55402

Jean M. Reynolds, Treasurer
Mairs and Power, Inc.
W-2062 First National Bank Bldg.
St. Paul, MN 55101

Ron Marien

STATE REGISTER

STATE OF MINNESOTA



VOLUME 9, NUMBER 48

May 27, 1985

Pages 2559-2606

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 40-48, inclusive 2562

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 40-48, inclusive 2563

PROPOSED RULES

Commerce Department

Proposed Rules Prohibiting Discrimination in Insurance Due to Blindness 2565

Proposed Rules Repealing Commercial Insurance Filing Exemptions 2566

Human Services Department

Proposed Rules Relating to Administration of Community Social Services 2566

Peace Officer Standards and Training Board

Proposed Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements 2576

ADOPTED RULES

Commerce Department

Adopted Rules Governing Self-Insurance Plan Administrators 2580

Health Department

Adopted Rules Governing Communicable Diseases; Duties of the Commissioner and Local Boards of Health 2584

Labor and Industry Department
Occupational Safety and Health Division

Adopted Revisions to the Occupational Safety and Health Standards 2585

OFFICIAL NOTICES

Agriculture Department
Agronomy Division

Outside Opinion Sought Regarding Proposed Rules Governing Variety Labeling Agricultural and Vegetable Seed 2586

Commerce Department

Outside Opinion Sought Regarding Proposed Rules Relating to Workers' Compensation Self-Insurance Including the Impact of the Rules on Small Business 2586

Commerce Department
Financial Examinations Division

Outside Opinion Sought Concerning Amendments to Rules Governing the Operation of Commercial Banks Annual Audit and Report 2587

Investment Board
Investment Advisory Council

Notice of Regular Meeting 2587

Medical Examiners Board

Outside Opinion Sought Concerning a Proposed Rule Prohibiting the Prescribing, Ordering, Dispensing, Administering, Supplying, Selling, or Giving of Any Amphetamine, Sympathominetic Drug or Compound, or Any Controlled Substance Anorectic for the Purposes of Weight Control 2587

Outside Opinion Sought Concerning a Proposed Rule Prohibiting Use of Chelation Therapy for Treatment of Cardiovascular Disease or Conditions, Atherosclerosis, Rheumatoid Arthritis, or Cancer 2588

Public Defense Board

Applications Accepted for State Public Defender's Office 2588

Transportation Department

Petition of Hennepin County for a Variance from State Aid Standards for Design Speed, Recovery Area, and Inslopes 2588

Petition of Hennepin County for a Variance from State Aid Standards for Street Width 2589

Petition of Rock County for a Variance from State Aid Standards for Diagonal Parking 2589

Petition of the City of Brooklyn Center for a Variance from State Aid Standards for Street Width 2589

Petition of the City of Moorhead for a Variance from Aid Standards for Street Width 2590

Petition of the City of New Ulm for a Variance from State Aid Standards for Design Speed 2590

Petition of the City of Rochester for a Variance from State Aid Standards for Street Width 2591

Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width 2591

STATE CONTRACTS

Administration Department

Request for Proposals for Customer List Maintenance and Management 2592

Administration Department
Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding 2592

Electricity Board

Request for Proposals for Electrical Inspectors 2593

Labor and Industry Department

Request for Proposals for Medical Consultant 2594

Metropolitan Waste Control Commission

Prequalifications Requested to Prepare a Design for a New Lakeville/Apple Valley Lift Station 2594

Prequalifications Requested to Prepare a Design for Seneca Sludge Handling Improvements 2595

Transportation Department
Finance and Administration Division

Correction of Request for Proposals for Leadership of Internal Training and Development Task Force ... 2595

Veterans Affairs Department

Contract Available for Dental, Chaplain, Optical, Medical, Dietician and Podiatry Services 2595

SUPREME COURT

Decisions Filed Friday, May 17, 1985 2596

Order Filed May 8, 1985 2597

TAX COURT

Orders Dated May 15, 1985 2598

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 Commerce

Proposed Rules Prohibiting Discrimination in Insurance Due to Blindness

Notice of Intent to Adopt Rules without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, General Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business had been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this notice. Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

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.

Rule as Proposed

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. Discrimination because of blindness. It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness.

Department of Commerce

Proposed Rules Repealing Commercial Insurance Filing Exemptions

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sec. 14.21.

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Sec. 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the rules that are to be repealed is contained in Minnesota Statutes, Sec. 70A.02, subd. 3. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the repeal of the rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. Sec. 14.115, subd. 2, the impact on small business has been considered in the repeal of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon repeal of the final rules without a public hearing, the rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the repealed rules 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 Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

Copies of this notice and the rules may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

REPEALER. Minnesota Rules, parts 2700.2100; 2700.2200; and 2700.2300 are repealed.

Department of Human Services

Proposed Rules Relating to Administration of Community Social Services

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 Ave., St. Paul, MN 55155 on June 28, 1985 commencing at 9:00 a.m. and continuing until all interested or affected

STATE REGISTER

STATE OF MINNESOTA



VOLUME 10, NUMBER 8

August 19, 1985

Pages 413-496

CONTENTS

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 1-8, cumulative 416

PROPOSED RULES

Commerce Department
Proposed Rules Governing Discrimination Because of Blindness 418
Proposed Rules Relating to Cancellation of Commercial Liability Insurance 419

Human Services Department
Proposed Rules Governing Child Support Incentive Awards 420

Labor and Industry Department
Proposed Rules Relating to Workers' Compensation; Independent Contractor 425

Mediation Services Bureau
Proposed Rules Relating to Public Employees, Labor Negotiations and Dispute Resolution 451

Pollution Control Agency
Proposed Rules Relating to Environment; General Permit Fee Rule 456
Proposed Rules Relating to Hazardous Waste, Dioxins and Aliphates 460

Public Utilities Commission
Proposed Rules Governing the Conservation Improvement and Renewable Resource Programs 470

ADOPTED RULES

Commerce Department
Adopted Rules Relating to Cosmetology 474
Adopted Rules Relating to the Comprehensive Health Insurance Association 474

Energy and Economic Development Department
Energy and Economic Development Authority
Adopted Rules Relating to Small Business Development; Pollution Control Financial Assistance 475

Health Department
Health Resources Division
Adopted Rules Relating to Physician Assistants 476

Psychology Board
Adopted Rules Governing the Definition of a "Major in Psychology" 477

Revenue Department
Adopted Rule Governing Multistate Tax Compact 478

OFFICIAL NOTICES

Energy and Economic Development Department
Energy and Economic Development Authority
Outside Opinion Sought Concerning a Proposed Rule Governing Health Care Equipment Loans 478

Ethical Practices Board
Notice and Order Granting the Minneapolis Socialist Workers Campaign Committee Limited Exemption from Campaign Finance Disclosure 479

Health Department
Office of Health Systems Development
Outside Opinion Sought Concerning Development of Rules Relating to Review of Health Care Equipment Loan Applications 480

Human Services Department
Outside Opinion Sought Concerning Definition of "Related Condition" 480

Medical Examiners Board
Outside Opinion Sought Concerning a Proposed Rule Establishing Credentialing Authorities for Medical and Osteopathic Schools to Be Used in Establishing Educational Standards for Licensure as a Physician or Osteopath 481

Metropolitan Council
Metropolitan River Corridors Study Committee: Notice of Public Hearings 481
1986 Work Program and Budget Public Hearing 482
Review Schedule: Metropolitan River Corridors Study Committee Report (Draft and Final Versions) 483

Public Safety Department
State Patrol Division
Outside Opinion Sought Regarding Proposed Rules Governing Slow Moving Vehicle Emblem Requirements 483

STATE CONTRACTS

Administration Department
Procurement Division
Commodities Contracts and Requisitions Currently Open for Bidding 484

Agriculture Department
Minnesota Trade Office
Request for Proposals for Publicity Campaign for WorldMed '86 485

Health Department
Health Resources Division
Quality Assurance and Review Section
Request for Proposals for Medical Director 485

Human Services Department
Long Term Care Management Division
Request for Proposals to Study Reimbursement Mechanisms for Providers of Service to Mentally Retarded Persons That Are Based on Individual Client Needs and Resource Use 486

Jobs and Training Department
Request for Proposals for Operation of Dislocated Worker Program 486

State Designer Selection Board
Request for Proposals for State Projects 487

STATE GRANTS

Mediation Services Bureau
Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Grant Program 491

SUPREME COURT DECISIONS

Decisions Filed Friday, August 9, 1985 492

SUPREME COURT CALENDAR

Cases Scheduled, September, 1985 492

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 Commerce

Proposed Rules Governing Discrimination Because of Blindness

Notice of Intent to Adopt Rules without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101. (612)-296-5689.

A copy of the proposed rules is attached to this notice. Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address. (612)-296-3528.

Michael A. Hatch
Commissioner of Commerce

Rule as Proposed

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. Discrimination because of blindness. It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness.

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind are subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight.

However, an insurer may exclude from coverage disabilities, consisting solely of blindness or partial blindness when the condition existed at the time the policy was issued.

Department of Commerce

Proposed Rules Relating to Cancellation of Commercial Liability Insurance

Notice of Intent to Adopt Rules without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101. (612)-296-5689.

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.

STATE REGISTER

STATE OF MINNESOTA



VOLUME 10, NUMBER 13

September 16, 1985

Pages 669-716

CONTENTS

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 1-13, inclusive 672

MCAR AMENDMENTS AND ADDITIONS

Issues 1-13, inclusive 674

PROPOSED RULES

Commerce Department
Proposed Rules Governing Discrimination Because of Blindness 674
Proposed Rules Relating to Coordination of Benefits for Group Health and Accident Insurance 676

Health Department
Proposed Rules Relating to Services for Children with Handicaps 684

Pollution Control Agency
Proposed Rules Relating to Waste Tire Dump Abatement 687

Transportation Regulation Board
Withdrawal of Rules Relating to Collective Ratemaking 695

ADOPTED RULES

Human Services Department
Adopted Emergency Rules Governing General Assistance 695

Workers' Compensation Court of Appeals
Adopted Rules of Procedure; Workers' Compensation Court of Appeals 698

OFFICIAL NOTICES

Commerce Department
Architecture, Engineering, Land Surveying and Landscape Architecture
Special Board Meeting 698

Health Department
Emergency Medical Services Licensure Application—Air Med 698

Investment Board
Investment Advisory Council
Notice of Regular Meeting 699

Medical Examiners Board
Outside Opinion Sought Concerning a Proposed Rule Regarding the Practice of Physical Therapy 699

Metropolitan Council
Public Hearing: Reuter Inc. Refuse Derived Fuel Environmental Assessment Worksheet 699
Public Meeting: Aggregate Resources Advisory Committee Draft Report and Recommendations 700
Review Schedule: Environmental Assessment Worksheet for Reuter, Inc. Refuse Derived Fuel Facility 701

Public Safety Department
Liquor Control Division
Outside Opinion Sought Regarding Proposed Rules Governing Liquor Control 701

Secretary of State's Office
Vacancies in Multi-Member State Agencies 702

STATE CONTRACTS

Administration Department
Procurement Division
Commodities Contracts and Requisitions Currently Open for Bidding 703

Corrections Department
Request for Proposals to Purchase Computer Assisted Instruction Micro-Computer Software and Hardware 705

Energy and Economic Development Department
Technical Assistance Program Applications Sought 706

Health Department
Maternal and Child Health Division
Request for Proposals to Provide Continuing Education 706

Jobs and Training Department
Vocational Rehabilitation Division
Request for Proposals to Establish Two Independent Living Centers 707

Labor and Industry Department
Request for Qualifications for Management Training Contract 707

Transportation Department
Goals for Disadvantaged and Women's Business Enterprises for Federal Fiscal Year 1986 707

STATE GRANTS

Energy and Economic Development Department
Community Development Division
Application Deadline for 1986 Competitive Small Cities Grant 708
Juvenile Justice Grants Available 708

NON-STATE PUBLIC CONTRACTS

City of Richfield
Request for Proposals to Obtain Computer Software and Equipment 709

SUPREME COURT CALENDAR

Cases Scheduled, October, 1985 709

SUPREME COURT DECISIONS

Decisions Filed Friday, September 13, 1985 712
Orders Filed September 13, 1985 712

TAX COURT

Orders Filed September 13, 1985 713

MINNESOTA RULES AMENDMENTS AND ADDITIONS

8300.3091-.3097 [Emer] (withdrawn) 140
8300.5000-.5006 [Emer] (adopted) 226

TRANSPORTATION REGULATION BOARD

8900.0100-.0900 [9 SR 1510] (withdrawn) 695

WASTE MANAGEMENT BOARD

9200.6000-.6011 [9 SR 2271] (adopted) 540
9200.6000-.6800 [Emer] (proposed) 220
9200.9501-.9504; .9506; .9508 (proposed) 106
9200.9501, s.4; .9504, s.1 (proposed repealer) 106

DEPARTMENT OF PUBLIC WELFARE (Now HUMAN SERVICES)

9500.1090-.1155 (adopted) 227
9500.1101-.1108 [Emer] (proposed) 92
9500.1101-.1108 [Emer] (adopted) 695
9500.1210-.1221 [Emer] (proposed) 306
9500.1450-.1475 [9 SR 488] (2nd extension) 653
9500.1800-.1821 (proposed) 420
9510.1020-.1140 (proposed) 54
9515.1200; .1300; .1400; .1600; .1700; .2200; .2300; .2400; .2500; .2600 (proposed) 648
9515.1200, s.9; 9515.2300, s.1 (proposed repealer) 648
9525.0015-.0145 (second notice) 19
9525.0900-.1020 (proposed) 44
9525.1200-.1330 [9 SR 2094] (adopted) 68
9525.1800-.1930 (proposed) 141
9545.2000-.2040 [9 SR 2252] (adopted) 592
9549.0051-.0059 [Temp] (proposed) 576
9550.0010-.0092 (second notice) 155
9550.6200-.6240 (proposed) 378
9553.0010-.0080 (proposed) 155

WORKERS' COMPENSATION COURT OF APPEALS

9800.0100; .0200; .0400; .0500; .0700; .0800; .0900; .1000; .1100; .1400; .1500-.1800 (proposed) 109
9800.0500, s.2; .0600; .1300 (proposed repealer) 109
9800.0100; .0200; .0400; .0500; .0700; .0800; .0900; .1000; .1100; .1400; .1500-.1800 (adopted) 698
9800.0500, s.2; .0600; .1300 (repealed) 698

MCAR AMENDMENTS AND ADDITIONS

TITLE 12 SOCIAL SERVICE
Part 2 Public Welfare Dapartment (now Human Services)

12 MCAR §§ 2.05302; 2.05304 [Temp, 9 SR 2104] (adopted) . 540

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 Commerce

Proposed Rules Governing Discrimination Because of Blindness

Notice of Intent to Adopt Rules without a Public Hearing

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

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

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023 and 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101. (612)-296-5689.

A copy of the proposed rules is attached to this notice. Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address. (612)-296-3528.

Michael A. Hatch
Commissioner of Commerce

Rule as Proposed

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Discrimination because of blindness or partial blindness.** It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness or partial blindness.

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind are subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight.

However, an insurer may exclude from coverage disabilities, consisting solely of blindness or partial blindness when the condition existed at the time the policy was issued.

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.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness

STATEMENT OF NEED AND REASONABLENESS

Pursuant to the authority of Minnesota Statute Section 72A.19 Subd. 2 and Minnesota Statute Section 45.Ø23 the department has proposed rules pertaining to the prohibition of discrimination because of blindness. The proposed rule is based upon the National Association of Insurance Commissioners (NAIC) Model Regulation. A copy of the Model Regulation is attached to this statement of need and reasonableness and is incorporated as a part hereof. The Model Regulation was deemed to be necessary because of the many representations that had been made to the National Association of Insurance Commissioners and to United States Congress that insurance companies have in the past and continue to discriminate against blind people. The Model Rule was proposed in lieu of Federal regulation prohibiting discrimination based upon blindness. It is the department's position that such activities have always been prohibited by Minnesota Statutes Sections 72A.17 to 72A.32, commonly known as the Regulation of Trade Practices Statutes. However no specific mention was made in those sections as to blindness. Because groups representing the blind indicate that there have been difficulties in securing fair treatment because of the lack of specificity and because the department also believes that this action has always been prohibited specifically setting forth that prohibition as a separate rule is an appropriate step to make clear what the policy of the department is and what the status of the law is in the State of Minnesota.

The Model Regulation contains only the language in the first paragraph of subpart 11. The remaining three paragraphs of the proposed rule are included in the Model Regulation as drafting notes. However because the Minnesota Administrative Procedures Act does not recognize such drafting notes and as it was the purpose of these drafting notes to bring greater clarity to the rule they are included as additional paragraphs and made a part of the rule.

Subpart 11 Discrimination Because of Blindness.

The first paragraph, as indicated, contains the body of the proposed NAIC Model Rule. It is also remarkably similar to Subdivision 9 of Minnesota Statutes Section 72A.2Ø except that it specifically applies that language to the blind or partially blind. The partially blind are included because as a practical matter many of the people who are commonly considered blind have some minimal amount of vision. However the vision is of such low level and quality that it is usually tantamount to complete blindness. So that people in this situation would not lose protection of these rules merely because they have some

small amount of vision it was thought important to clarify that blindness in all its degrees is what the rule is intended to apply to.

The second paragraph further highlights the intention of these rules to prohibit discrimination soley because of the fact that someone is blind. This paragraph requires that except as to the condition of blindness a blind person must meet all other standards or principles that would apply to a sighted person. A blind person with a heart condition could be excluded or rated for an accident and health policy in the same manner that a sighted person could.

The last two paragraphs should be read together for purposes of clarity. A refusal to insure for purposes of determining discrimination is deemed to include denial of coverage for disability insurance on the ground that disability under the poicy is presumed by the loss of eyesight. This is conditioned upon the obvious caveat that preexisting disabilities consisting solely of blindness or partial blindness are excludeable if they existed at the time the policy is issued.

The Model Act with all of the qualifications contained in it is a compromise that was reached nationally by advocates for the blind, the National Association of Insurance Commissioners and the various insurance companies. As such it represents a committment by all of those parties to prohibit discrimination in regard to insurance coverage for all of the blind. The blindness will not, except for the few minor situations noted, be a consideration in whether or not they are extended coverage.

Small Business Consideration

Pursuant to Minnesota Statutes Section 14.115 the department considered the impact of the rule on small businesses in the promulgation of these rules. This rule has broad impact upon the insurance industry of which only a few members are small businesses. However as to those that are small business the department did consider the impact on them. As the purpose of the rule is to prevent a form of discrimination and is intended to protect the parties discriminated against its application must be such that equal protection is given to those dealing with insurance companies that are small businesses and those that are not. Lesser standards for small businesses would weaken that protection. It also might have a negative effect on the competitive position of small businesses if they are perceived to be able to discriminate. Obviously no blind person would feel protected in applying to such company. There is also no justifiable reason for allowing a small business to discriminate as opposed to a business that is not.

In regard to Subd. 2 of Section 14.115 the department reviewed items a-e in considering the effect of the rules upon small businesses and decided as follows:

(a) As there are no reporting requirements less stringent requirements therefore would not be applicable. The rule only allows for compliance or noncompliance.

Items (b), (c), (d) and (e) would also be subject to the rationale setforth in regard to item (a) in that as the rule merely states a prohibition against an act there are no schedules or deadlines for compliance or reporting, there are no compliance or reporting requirements, and no performance standards except to comply or not to comply. An exemption from the rule would allow small businesses to do what other businesses are prohibited from doing and cause injury to a protected group.

Also as the department has always believed that the actions prohibited by this rule were prohibited by the underlying statutory authority previously mentioned. Accordingly this rule is not an additional requirement for companies to meet merely a separate statement as to requirements that they already should have been meeting.

MODEL REGULATION ON UNFAIR DISCRIMINATION ON THE BASIS OF BLINDNESS OR PARTIAL BLINDNESS

Table of Contents

Section I. Authority
Section II. Purpose
Section III. Unfairly Discriminatory Acts or Practices

Section I. Authority

This regulation is promulgated pursuant to the authority granted by Section 12 of the Unfair Trade Practices Act.

Section II. Purpose

The purpose of this regulation is to identify specific acts or practices which are prohibited by Section 4(7) of the Unfair Trade Practices Act.

Section III. Unfairly Discriminatory Acts or Practices

The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class: Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness.

Drafting Notes:

With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his/her eyesight.

However, an insurer may exclude from coverage disabilities, consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

EXECUTIVE COMMITTEE
RESOLUTION ON BLINDNESS
December 14, 1984

WHEREAS, it has come to the attention of the various members of the NAIC that certain members of the insurance industry are engaging in activities which were intended to be prohibited by the Model Regulation on Unfair Discrimination on the Basis of Blindness or Partial Blindness, and

WHEREAS, such actions constitute unfair discrimination against blind persons in the sale of insurance, and

WHEREAS, the NAIC has deemed it necessary to amend the Act as of December, 1984, in order to clarify its intent to prohibit those acts, and

WHEREAS, it is essential that all states act to prohibit such actions;

NOW THEREFORE BE IT RESOLVED, that all states are urged to immediately take steps to seek enactment and implementation of the changes to the Model Regulation on Unfair Discrimination on the Basis of Blindness or Partial Blindness adopted by the Accident and Health Insurance (B) Committee on December 13, 1984;

BE IT FURTHER RESOLVED, that the NAIC Support and Services Office shall assist the officers in monitoring the efforts and progress of the states in achieving enactment and implementation of the provisions of the amended Model Act prohibiting unfair discrimination against blind persons.

In the Matter of the Proposed Adoption of Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

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

Alan I. Gilbert
Special Assistant Attorney General

Dated: 12/2/85

In the Matter of the Proposed
Adoption of Rules Relating to
Prohibiting Discrimination in
Insurance Due to Blindness

AFFIDVIT OF MAILING
NOTICE OF SUBMISSION
TO THE ATTORNEY
GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Richard G. Gomsrud being first duly sworn, deposes and says:

That on the 2nd day of December, 1985, in the City of St. Paul, County of Ramsey, State of Minnesota, he 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 the City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Richard G. Gomsrud

Subscribed and sworn to before me this
2nd day of December 1985.

Marilyn J. Robinson
Notary Public

MARILYN J. ROBINSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires June 18, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Rules
Relating to Cancellation, Nonrenewal and
Renewal with Altered Rates of Commercial
Liability Insurance

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 4th day of November 1985.

Richard G. Gomsrud

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption
of Rules Relating to Prohibiting
Discrimination in Insurance
Due to Blindness

NOTICE OF SUBMISSION
TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minn. Stat. Section 14.26:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, December 2, 1985, for review as to form and legality. Pursuant to Minn. Stat. Section 14.26, the Attorney General will approve or disapprove the rules within 14 calendar days after receipt. 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, St. Paul, Minnesota 55155, (612) 296-7030.

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 Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101.

Richard G. Gomsrud
Department Counsel

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Rules Relating to Prohibiting Discrimination in Insurance Due to Blindness

STATEMENT OF RICHARD G. GOMSRUD

The undersigned, being Department Counsel for the Department of Commerce has been involved with the promulgation of the rules prohibiting discrimination because of blindness or partial blindness since the beginning of the rulemaking process.

On May 27, 1985 at 9 S.R.2565 Notice of Intent to Adopt the Rules Without a Public Hearing was published. As discussed in the Statement of Need and Reasonableness the original rule consisted solely of the language contained in the proposed model regulation of the NAIC. Subsequent to publication a number of insurance companies contacted the department indicating their dissatisfaction with the omission of the drafting notes from the rule as published. Because of limitations of the Administration Procedures Act in regard to including such drafting notes the department determined that the only way these objections could be met would be to republish the rule to include those drafting notes as part of the rule. The rule was redrafted to include the omitted language and republished on August 19 at 10 S.R.419.

The rule as published on August 19 omitted in several places the words "or partial blindness" that are contained in the model act. Accordingly the rule was republished on September 23 at 10 S.R.674 with that language included.

All versions of the rule as published were always intended to adopt the NAIC Model Regulation. The parties contacting the department in regard to the rule or who were otherwise concerned with the adoption of the rule were always aware of that and the purpose of all changes and corrections was to bring the rule into conformance with the model regulation.

Richard G. Gomsrud

SF-00006-04

DEPARTMENT : of Commerce

PHONE : 296-5689

STATE OF MINNESOTA

Office Memorandum

DATE : December 2, 1985

TO : Judith Wehrwein

RECEIVED
DEC 03 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

FROM : Richard G. Gomsrud
Department Counsel

SUBJECT : Blindness Discrimination Rules

Enclosed are copies of the following materials regarding the above captioned rules (only those items with a circled number are enclosed):

1. Notice of Intent to Solicit Outside Opinion (2000.0400 subpart 1 B) 2nd one-republication
2. Written material received as a result of Notice to Solicit Outside Opinion (2000.0400 subpart 1 B)
3. Mailing List Certificate (2000.0400 subpart 1 E)
4. Statement of Need & Reasonableness (2000.0400 subpart 1 G)
5. Order for Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 1 C) (2)
6. Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 2) (3)
7. Affidavit of Mailing Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 3)
8. 5/27/85, 8/19/85, 9/23/85 Copy of Notice of Intent to Adopt Rule Without Public Hearing and rules as published in the State Register (2000.0400 subpart 4)
9. Written Comments on Rule (2000.0400 subpart 1 I)
~~10.~~ Findings of Fact (if applicable) (2000.0400 subpart 1 F)
11. Affidavit of Mailing Notice of Submission to Attorney General (2000.0400 subpart 1 K); or

~~12.~~ Affidavit that no request for Notice of Submission to Attorney General were received

13. Original and three copies of Rule as adopted (2000.0400 subpart 5)

14. Two copies of the Order Adopting Rule (2000.0400 subpart 6)

15. Certificate of Compliance With Rulemaking Procedure (2000.0400 subpart 1 J).