

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

LE REVIEW CHECKLIST

File No. 1401 | Docket No. 05.0009.0120

DATE RECEIVED 9/23/87 | ADOPTED W/O HEARING X

REVIEW DATE 10/2/87 | EMERGENCY RULE

DUE DATE 10/7/87

REVISOR APPROVED

APPROVED X, 10/2/87 | REVISOR DISAPPROVED

DISAPPROVED | FIELD W/SEC.STATE 10/05

WITHDRAWN | RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion

6/22/87 Date published in State Register

Comments

~~Petition for Adoption of a~~ Rule

~~Board's Authorizing Resolution~~

✓ Proposed rule

YES Revisor's Certificate

Notice of Intent to Adopt Rule

45.023 + 176.181 Statutory Authority

YES Small Business Statement

NO Expenditure of public money statement

YES Signature

✓ Statement of Need and Reasonableness

YES Small Business Statement

NO Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

8/6/87 Date (30)/25 days before adoption

✓ Publication in State Register

8/17/87 Date (30)/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting

9/18/87 Date

✓ Written requests, submissions or comments

Declaration of attorney

Name of SAAG representing agency

✓ ~~Notice of Submission to Attorney General~~ Certificate

~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : October 10, 1987

TO : RICHARD G. GOMSRUD
Commerce Department

FROM : JULIE A. LEPPINK

PHONE : 7-3493

SUBJECT : In the Matter of the Adopted Rules Relating to Workers' Compensation Self-Insurance

The above-referenced rule has been approved as to its legality by the Attorney General on October 2, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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.

JAL:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Commerce

Adopted Permanent Rules Relating to Workers' Compensation Self-Insurance

Rules as Adopted

2780.0100 DEFINITIONS.

Subpart 1. and 2. [See Repealer.]

Subp. 3. and 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 6. to 14. [Unchanged.]

Subp. 15. **Workers' Compensation Reinsurance Association; WCRA.** "Workers' Compensation Reinsurance Association" means that association governed by Minnesota Statutes, sections 79.34 to 79.40.

Subp. 16. [Unchanged.]

REPEALER. Minnesota Rules, parts 2780.0100, subparts 1, 2, and 5; 2780.0200; 2780.0300; 2780.0400, subpart 5; 2780.1400, subpart 1; 2780.2700; and 2780.9910 are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 5 – 1987

Joan Anderson Growe
Secretary of State

11:27 AM

APPROVED AS TO FORM AND LEGALITY
October 2 19 87
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Jules A Zeppuhl
SPECIAL ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF COMMERCE

Notice to Solicit Outside Opinion Regarding Proposed Amendments and Rules Relating to Workers Compensation Self-Insurance Including the Impact of the Rules on Small Business

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 and amendments to existing rules relating to worker's compensation self-insurance. Promulgation of these rules is authorized by Minnesota Statutes, Sections 176.181 and 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1.

The Department of Commerce requests information and opinions 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, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

MICHAEL A. HATCH
Commissioner of Commerce

Department of Commerce

Proposed Permanent Rules Relating to Workers' Compensation Self-Insurance

Rules as Proposed

2780.0100 DEFINITIONS.

Subpart 1. and 2. [See Repealer.]

Subp. 3. and 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 6. to 14. [Unchanged.]

Subp. 15. **Workers' Compensation Reinsurance Association; WCRA.** "Workers' Compensation Reinsurance Association" means that association ~~created by laws of Minnesota 1979, Special Session, chapter 3, sections 17 to 25, hereinafter referred to as the "WCRA."~~ governed by Minnesota Statutes, sections 79.34 to 79.40.

Subp. 16. [Unchanged.]

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Approved by Revisor JCF

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Workers' Compensation Self-Insurance

AGENCY: Department of Commerce

MINNESOTA RULES: Chapter 2780

The attached rules are approved for publication
in the State Register

John C. Fuller
Assistant Deputy Revisor

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of Rules Relating to Workers' Compensation Self-Insurance

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in Minnesota Statutes, section 14.22-14.28. Authority for the adoption of these rules is contained in Minnesota Statutes, Sections 45.023 and 176.181.

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

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to Minnesota Statutes, sections 14.13 to 14.20.

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
(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

Pursuant to Minnesota Statutes Section 14.115, subdivision 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 Reasonablenss, 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 Counsel, 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 proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of Rules
Regarding Workers' Compensation
Self-Insurance

STATEMENT OF NEED
AND REASONABLENESS

Minnesota Statutes, Section 176.181 was amended by Chapter 332 of the 1987 Session Laws. Chapter 332 created a statutory bond form and the requirements for the amount of the bond required to self-insure for workers' compensation insurance under Chapter 176 of Minnesota Statutes. Minnesota Rule 2780.0400 previously specified the acceptable securities and surety bond to be used for workers' compensation self insurance. In addition Minnesota Rule 780.0400 subpart 5 and part 2780.9910 specified the bond form to be used. As Chapter 332 created a specific bond form that was different from that prescribed by the rules the cited rules are at odds with the statute and accordingly should be repealed. Also, Minnesota Rules 2780.1400 subpart 1 specified the amount of the bond to be required. Chapter 332 specified amounts that were different from those required in the rule and accordingly this rule is also in conflict with the statutory requirements and should be repealed accordingly. Rule 2780.2700, as in the case with Rule 2780.1400, subpart 1, specified the amount of securities to be deposited and is in conflict with the statutory changes and accordingly should be repealed.

Minnesota Rule part 2780.0100 subparts 1 and 5 contained definitions pertaining to affiliated companies and control contained definitions that have proved to be unnecessary and in some cases inappropriately rigid in determining control and affiliation among companies. Accordingly since there are existing standards for affiliation and controlthat have been accepted for a wide variety of purposes such as taxation that in some cases these definitions are in conflict with it is appropriate that these particular definitions be removed.

A certified audit definition was specifically referenced in the amendments to Minnesota Statute 45.028. Accordingly this definition is now redundant with the statute and part 2780.0100 subpart 2 can be deleted.

Parts 2780.0200 and 2780.0300 merely state the authority and the purpose of the rules, neither of which are required to be a part of the rule since the authority and the purpose are required to be deliniated by the department prior to the adoption of the rules and explained in the statement of need and reasonableness. It is unnecessary to have those particular provisions in the rules and accordingly they are being deleted.

Minnesota Statutes Section 65B.17, subpart 2 provides rulemaking authority to the commissioner to adopt rules for workers' compensation self-insurance. In addition Minnesota Statutes, section 45.03 provides the commissioner with the authority to adopt rules where necessary for the proper discharge of the commissioners duties.

These amendments are necessary to conform the rules to the statute as amended by the 1987 Legislature.

Small Business Consideration

Minnesota Statutes, section 14.115 requires that certain considerations be made in regard to the rulemaking process as to the effect of the rules upon small businesses and any mitigating factors that may be applied to the application of these rules in regard to small business. In the present instance although the department has little choice but to conform to the rules in the exact manner as the statute indicates, the department did consider the impact of the rules on small business as charged by section 14.115.

As is the case with most rules governing the conduct of insurance companies, the intent is to benefit the policyholder. Every insurer, no matter if they qualify as a small business or not, must be subject to the same requirements or the group intended to be protected, the policyholders, would find that they have less rights if they deal with an insurer that qualfies as a small business then if they are dealing with a company that did not. While this may result in a lesser burden upon insurers that qualify as small businesses, it would defeat the purpose of protection of the policyholder. It might also have a negative effect upon insurance companies that qualify as small businesses in that their policyholders would perceive that they have less protection than if they purchase their insurance from a non small business insurance company. The result of reducing the requirements would be loss of business rather than a reduction in regulatory burden for insurers that are small business.

In promulgating these rules all of the considerations required by Minnesota Statute section 14.115 were addressed. In regard to the considerations required by subpart 2, item A, the establishment of less stringent compliance on reporting requirements for small businesses, since the only compliance is with the statutory mandate it would be beyond the department's authority to reduce the requirement that the statute imposes. As there are no reporting requirements there would be no need for reduction in the same.

As to item B of subpart 2, since there are no schedules or deadlines for compliance or reporting this particular provision would not be applicable to this set of rules.

As to item C, consolidation or simplification of compliance requirements would not be feasible given the nature of the particular rule and the change in statutory requirements. As there are no reporting requirements that provision would not be applicable.

Item D would not be applicable given the nature of this particular rule.

Item E would not be appropriate for the reasons cited above in that it would take away the protection to policyholders that the statute intended to give them. In addition the department does not believe it has the authority to make such an exemption. The small businesses that are probably most affected by these rules are not insurers but rather the small businesses that will gain some protection and rights that they did not have before. To give any insurance company an exemption from the rules would be to reduce the rights of the small businesses that are policyholders. The department concluded that the intent of the statute was the protection of policyholders, small business or not and therefore all insurers, be they small or large must meet the same standards to insure equal protection to all of their policyholders.

Because of the nature of the amendments of the rules, namely to conform to the statutory mandate, no participation by small businesses was involved.

In the Matter of the Proposed Rules
Relating to Plan Administrators

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT OF
MAILING

Jane Schaub, being first duly sworn, deposes and says:

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 6th day of August 1987.

That on the 6th day of August 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, the attached Notice of Intent to Adopt Rules Without a Public 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.

Jane Schaub

Jane Schaub

Subscribed and sworn to before me
this 23rd day of September 1987.

Cynthia L. Claason

Notary Public

CYNTHIA L. CLAASON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES FEBRUARY 11, 1992

In the Matter of the Proposed Rules
Regarding Workers' Compensation
Self-Insurance

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT OF
MAILING

Jane Schaub, being first duly sworn, deposes and says:

That on the 6th day of August 1987, 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.

Jane Schaub

Subscribed and sworn to before me
this 6th day of August 1987.

Notary Public

CYNTHIA L. CLAASON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES FEBRUARY 11, 1992

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of Rules Relating to Workers' Compensation Self-Insurance

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in Minnesota Statutes, section 14.22-14.28. Authority for the adoption of these rules is contained in Minnesota Statutes, Sections 45.023 and 176.181.

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

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to Minnesota Statutes, sections 14.13 to 14.20.

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
(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

Pursuant to Minnesota Statutes Section 14.115, subdivision 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 Reasonablenss, 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 Counsel, 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 proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Proposed Permanent Rules Relating to Workers' Compensation Self-Insurance

Rules as Proposed

2780.0100 DEFINITIONS.

Subpart 1. and 2. [See Repealer.]

Subp. 3. and 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 6. to 14. [Unchanged.]

Subp. 15. **Workers' Compensation Reinsurance Association; WCRA.** "Workers' Compensation Reinsurance Association" means that association ~~created by laws of Minnesota 1979, Special Session, chapter 3, sections 17 to 25, hereinafter referred to as the "WCRA,"~~ governed by Minnesota Statutes, sections 79.34 to 79.40.

Subp. 16. [Unchanged.]

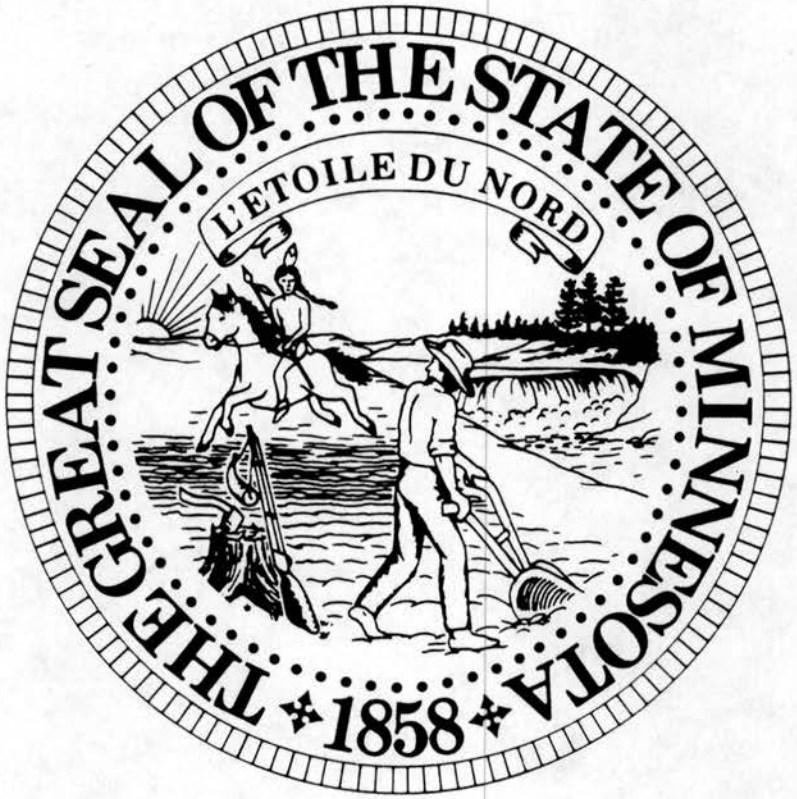
REPEALER. Minnesota Rules, parts 2780.0100, subparts 1, 2, and 5; 2780.0200; 2780.0300; 2780.0400, subpart 5; 2780.1400, subpart 1; 2780.2700; and 2780.9910 are repealed.

Approved by Revisor

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



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relating to those services which the administrator provides within the times established by statute, rule, or order of the commissioner. Required reports include:

A. an annual activity report, filed within 60 days of the end of the calendar year, stating:

(1) the name and address of ~~self-insurance~~ clients administered by the licensee in Minnesota during the previous calendar year~~, excepting qualified ERISA clients if this information is classified as nonpublic by the commissioner of administration~~;

(2) the area and type of service provided to each plan;

(3) the starting and/or termination date each client was serviced;

(4) the total number and total amount of claims paid and loss payments disbursed on behalf of each client; and

(5) the reserves established for each client;

B. loss information reports required by part 2780.0500;

C. any reports required by the Workers' Compensation Reinsurance Association, if applicable;

D. any report required by the Minnesota Department of Labor and Industry, if applicable; and

E. any other report required by the Department of Commerce.

Subp. 4. **Notification of contract termination.** If the contract between a licensee and a ~~self-insured~~ client is terminated, the licensee shall notify the commissioner in writing within 30 days after termination. The licensee shall maintain copies of all records relating to the ~~self-insured~~ client for six years after the termination date of each contract, if the records are not returned to the client.

Subp. 5. **Notification of cessation of business activities.** If a licensee ceases doing business as ~~a self-insurance plan~~ an administrator, the license must be surrendered and the commissioner must be informed in writing of the name and address of the custodian and the location of any files of ~~self-insured~~ clients formerly administered by the licensee.

Subp. 6. [Unchanged.]

REPEALER. *Minnesota Rules*, parts 2767.0300; 2767.0500; 2767.0800; and 2767.0950 are repealed.

Department of Commerce

Proposed Permanent Rules Relating to Workers' Compensation Self-Insurance

Notice of Intent to Adopt Rules without a Public Hearing

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Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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.

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Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2780.0100 DEFINITIONS.

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Board of Dentistry

Proposed Permanent Rules Relating to Certain Fees

Notice of Intent to Amend a Rule without a Public Hearing, Notice of Intent to Amend a Rule with a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Dentistry (hereinafter "Board") is hereby giving notice of its intent to amend a rule without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1986), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rule amendments pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986). The hearing will be cancelled if 25 or more people do

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Rules Relating to Workers' Compensation Self-Insurance

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on August 17, 1987 and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 on August 6, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

All persons were given the apportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the department.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Workers' Compensation Self-Insurance is adopted this 18th day of September, 1987, pursuant to authority vested in me by Minnesota Statutes, sections 45.023 and 176.181.

MICHAEL A. HATCH
Commissioner of Commerce

Dated this 18th day of
September 1987.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Plan Administrator Rules

DECLARATION OF ATTORNEY GENERAL

I, LOUIS HOFFMAN, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0120.

Louis Hoffman
Special Assistant Attorney General

Dated: September 24, 1987

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : Attorney General

DATE : September 29, 1987

TO : Attorney General Humphrey
c/o Rita Desmond
204 Administration Bldg.

FROM : Erica Jacobson
Special Assistant
Attorney General

PHONE : 6-9701

SUBJECT : AUTOMOBILE NONRENEWAL RULES
EMPLOYEE JOINT SELF-INSURANCE RULES

Enclosed please find copies of the Declarations of the Attorney General for these two rules.

I understand that all other documents necessary for review of these rules have already been submitted to you by Richard Gomsrud of the Department of Commerce. If you need any further information or notice any problems, please contact Mr. Gomsrud at 296-5689 or me at 296-9701.

Thank you.

aso
Enc.

cc: Richard Gomsrud
(with original Declarations)

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption
Employee Joint Self-Insurance Rules

DECLARATION OF
ATTORNEY GENERAL

I, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0119.

Erica Jacobson
Special Assistant Attorney General

Dated: 9/28/97

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption
Automobile Nonrenewal Rules

DECLARATION OF
ATTORNEY GENERAL

I, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0119.

Erica Jacobsen
Special Assistant Attorney General

Dated: 9/28/87

Administrative Safety Services, Inc.

Broadway Place • Suite 420 • 3433 Broadway Street N.E. • Minneapolis, Minnesota 55413 • (612) 379-1206

July 23, 1987

STATE OF MINNESOTA
JUL 24 1987
DEPARTMENT OF COMMERCE

Mr. Richard Gomsrud
DEPARTMENT OF COMMERCE
500 Metro Square Building
St Paul, MN 55101

RE: Self Insurance Rules

Dear Mr. Gomsrud:

I am writing regarding the proposed amendments to rules relating to Workers Compensation Self Insurance; in particular regarding the joint and several liability portion of the law.

I agree with the rules as currently written, except the joint and several liability. There should be an alternative funding method to insure solvency. One alternative may be to make them participate in the guarantee fund. The second alternative could be to set up a seperate fund for all self insured entities and fund it on the same basis as the current guarantee fund or as a third alternative have a set aside limit in the form of a letter of credit or cash that could be drawn on in case of insolvency of the individual entity. I think one of the three methods or an alternative with a known exposure must be used in order to make self funding on a group basis viable.

If you have any questions, I would be happy to discuss them with you.

Best regards,

Donald A. Sullivan
President

DAS: dsp

CC: Jim Denn
MTA

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Rules
Regarding Workers' Compensation
Self-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 6th day of August 1987.

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Linda L. Lanam, V.P. & Chief Coun.
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Commercial Union Ins. Companies
Legal Svcs Dept. B17-12, 1 Beacon St.
Boston, MA 02108

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Commerce

DATE : September 23, 1987

TO : Martha Casserly

FROM : Richard G. Gomsrud

PHONE : 296-5689

SUBJECT : Workers Compensation Self-Insurance Rules

Enclosed are copies of the following materials regarding the above captioned rules:

1. Notice of Intent to Solicit Outside Opinion (2010.0300 A)
2. Copy of the Proposed Rules with Revisor's Certificate (2010.0300 D)
3. Notice of Intent to Adopt Rule Without Public Hearing (2010.0300 E)
4. Statement of Need and Reasonableness (2010.0300 F)
5. Affidavit of Mailing Notice of Intent to Adopt Rule Without Public Hearing (2010.0300 G)
6. Copy of Notice of Intent to Adopt Rule Without Public Hearing and Rules as published in the State Register (2010.0300 H)
7. Four copies of Rule as adopted (2010.0300 I)
8. Findings of Fact, Conclusions & Order Adopting Rule (2010.0300 K)
9. Written Comments, Submission & Requests on Rule (2010.0300 L)
10. Declaration of Attorney General (2010.0300 M)
11. ~~Notice~~ of Submission to Attorney General (2010.0300 N)
12. ~~Affid~~avit of Mailing Notice of Submission to Attorney General (2010.0300 O)

RECEIVED
ATTORNEY GENERAL'S OFFICE
SEP 23 1987
204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

Declaration of Atty X

In the mail

Notice to Solicit

Checked/verified Published June 22, 1987 JAZ

will call re date published.

Rule

See proposed not all new material

Authority

45.023 ok

176.181