

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

LE REVIEW CHECKLIST

File No. 1408
DATE RECEIVED 10/02/87
REVIEW DATE 10/11/87
DUE DATE 10/16/87

APPROVED ✓ 10/12/87 JAZ
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0479
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED X
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)
✓ Notice to Solicit Outside Information/Opinion
6/15/87 Date published in State Register
none Comments
~~Petition for Adoption of a Rule~~
✓ Board's Authorizing Resolution
✓ Proposed rule
yes Revisor's Certificate
✓ Notice of Intent to Adopt Rule
16A.128, 150A.04 subd 5 Statutory Authority 150.A.09 subd 1 & 214.06
yes Small Business Statement
Yes Expenditure of public money statement
Yes Signature
✓ Statement of Need and Reasonableness
yes Small Business Statement
yes Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
8/12/87 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
9/26/87 Date
~~Written requests, submissions or comments~~
✓ Declaration of attorney
Richard Wexler Name of SAAG representing agency
~~Notice of Submission to Attorney General~~
~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : October 15, 1987

TO : RICHARD A. WEXLER
Assistant Attorney General

FROM : JULIE A. LEPPINK

PHONE : 7-3493

SUBJECT : In the Matter of the Adopted Rules Relating to Board of Dentistry - Certain Fees

The above-referenced rule has been approved as to its legality by the Attorney General on October 12, 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

Board of Dentistry

Adopted Permanent Rules Relating to Certain Fees

Rules as Adopted

3100.2000 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, $70;

B. dental hygienist, $25; and

C. registered dental assistant, $17.

Subp. 3. to 10. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 1 5 1987
Joan Anderson Growe
Secretary of State

10:30 AM

APPROVED AS TO FORM AND LEGALITY
October 12 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Julie A. Zeppenfeld
SPECIAL ASSISTANT ATTORNEY GENERAL

RECEIVED
AUG 25 1987
ADMINISTRATIVE HEARINGS

Blue Earth County

Notice of Filing Fees for the County Law Library

Pursuant to Minnesota Statutes 140.422, the Blue Earth County Law Library Board of Trustees announces the law library fees to be collected in the district, county, probate and conciliation courts of Blue Earth County.

Civil Suits	
Plaintiff/Petitioner	$15
Defendants/Respondents	$15
Probate Court	
Petitioner	$15
Marriage Dissolution	
Petitioner	$15
Respondent	$15
Conciliation Court	
Claimant	$15
Counterclaimant	$15
Criminal Convictions	
Defendant	$1

These fees shall be effective from July 1, 1987 to June 30, 1989.

Dated: 3 June 1987

Dave Carlson
Court Administrator

Board of Dentistry

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Amendment Governing Annual Renewal Fees Minn. Rules pt. 3100.2000, subp. 2

Notice is hereby given that the State Board of Dentistry is seeking information or opinions from sources outside the Board in preparing to propose the amendment of the rule governing annual license and registration renewal fees. The amendment of the rule is authorized by Minnesota Statutes, sections 150A.04, subd. 5, 150A.09, subd. 1 and 214.06, subd. 1 which permits the Board to promulgate rules establishing license and registration renewal fees.

The State Board of Dentistry requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Douglas R. Sell
Executive Director
Minnesota Board of Dentistry
2900 University Avenue West, Suite 109
St. Paul, Minnesota 55114

Oral statements will be received during regular business hours over the telephone at (612) 642-0579 and in person at the above address.

All statements of information shall be accepted until July 2, 1987. Any written material received by the State Board of Dentistry shall become part of the rulemaking record to be submitted to the attorney general in the event that the rule is adopted.

Dated: 5 June 1987

Douglas R. Sell
Executive Director

RECEIVED
JUL 30 1987
ADMINISTRATIVE

CERTIFICATE OF THE MINNESOTA

BOARD OF DENTISTRY AUTHORIZING RESOLUTION

I, Boyd Wright, DDS, do hereby certify that I am a member and the President of the Minnesota Board of Dentistry, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 13th day of June, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that Douglas R. Sell, the Executive Director of the Minnesota Board of Dentistry, is hereby granted the authority and directed to sign and to give alternative notices, to wit, the Notice of the Board's Intent to Amend a Rule Without a Public Hearing, Notice of the Board's Intent to Amend a Rule With a Public Hearing, and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing governing the annual license and registration renewal fees charged by the Board pursuant to Minn. Rules pt. 3100.2000, subp. 2 (1985) to all persons who have registered their names with the Board for that purpose and publish the Notice and Rule as proposed for amendment in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of July, 1987.

Boyd A. Wright DDS

BOYD A. WRIGHT, DDS
President, Minnesota
Board of Dentistry

Lynda Young

Attested by
LYNDA YOUNG, D.H.
Secretary, Minnesota Board
of Dentistry

Board of Dentistry

Proposed Permanent Rules Relating to Certain Fees

Rules as Proposed

3100.2000 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, ~~$45~~ $70;

B. dental hygienist, ~~$20~~ $25; and

C. registered dental assistant, ~~$14~~ $17.

Subp. 3. to 10. [Unchanged.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Certain Fees

AGENCY: Board of Dentistry

MINNESOTA RULES: Chapter 3100

The attached rules are approved for publication
in the State Register

Richard J. Sands
Senior Assistant Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

RECEIVED

AUG 25 1987

ADMINISTRATIVE HEARINGS

ALTERNATIVE NOTICES

In the Matter of the Proposed Amendment to the Board of Dentistry Rule Relating to Annual Renewal Fees, Minn. Rules pt. 3100.2000, subp. 2

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 Minn. Stat. §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 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 Minn. Stat. §§ 14.131 to 14.20 (1986). The hearing will be cancelled if 25 or more people do not request that one be held. There will be a one week period between the end of the comment period and the scheduled hearing date. This period will give interested persons time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry proposes to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for the adoption of rules

without a public hearing in Minnesota Statutes sections 14.22 to 14.28. The statutory authority to amend the rule is contained in Minn. Stat. §§ 16A.128, 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986).

All persons have 30 days from the date this Notice is published in the State Register (i.e., through September 16, 1987) to submit comment in support of or in opposition to the proposed amendments or any part of them. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule 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 public 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 Board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Mr. Douglas R. Sell
Executive Director
Minnesota Board of Dentistry
Suite 109, 2700 University Avenue West
St. Paul, Minnesota 55114
(612) 642-0579

The proposed amendments to the rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed amendments to the rule as noticed.

If adopted, the proposed amendments will increase the fees collected by the Board for annual license or registration renewal, as follows:

Rule Amendments as Proposed

3100.2000 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, ~~$45~~ $70;

B. dental hygienist, ~~$20~~ $25; and

C. registered dental assistant, ~~$14~~ $17.

Subp. 3. to 10. [Unchanged.]

(Deleted items indicated by ~~strikeout~~; new items indicated by underlining.) A free copy of the proposed rule amendments may be obtained from Mr. Sell at the above address.

A Statement of Need and Reasonableness that describes the need for and reasonablenes of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed amendments to the rule has been prepared and is available from Mr. Sell upon request.

The approval of the Commissioner of Finance for amendments of rules relating to fees is required by Minnesota Statutes sections 16A.128, subd. 1a (1986). The Commissioner's approval of the proposed license and registration annual renewal fees is contained in a memorandum dated June 8, 1987, which is attached to the Statement of Need and Reasonableness. The memorandum is also available from Mr. Sell upon request.

Promulgation of the proposed rule amendments will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural

land. Likewise, it is believed that the changes will not have a quantitative or qualitative impact on small businesses.[14] Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

If no hearing is required, upon adoption of the amendments to the rule, the amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule as amended, must submit a request to Mr. Sell at the above address.

Any rule amendment made pursuant to this proceeding shall be effective five working days after publication in the State Register of a notice of the adoption of the amendment to the rule.

III.

NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE AMENDMENTS WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON SEPTEMBER 23, 1987, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986), in the main conference room, first floor, 2700 University Avenue West, St. Paul, Minnesota 55114, on September 23, 1987, commencing at 9:00 AM.

The statutory authority of the Board to amend the rules relating to fees is contained in Minn. Stat. §§ 16A.128, 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986). Promulgation of the proposed fee changes will not result in the expenditure of

public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is believed that the changes will not have a quantitative or qualitative impact on small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone: (612) 341-7606. Unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1986) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1985), as promulgated by the Office of Administrative Hearings. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed amendments will increase the fees collected by the Board for annual license or registration renewal. The specific changes are set forth in Part II of the Alternative Notices. A free copy of the proposed rule amendments may be obtained from Mr. Sell at the address noted above.

The proposed rule amendments may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed amendments are encouraged to participate in the process.

Please be aware that the Board of Dentistry is giving this simultaneous notice of its intent to adopt the above-captioned rule amendments with a hearing only if 25 or more persons request a hearing pursuant to the Notice contained in Part II above. The hearing on the proposed amendment has been scheduled for September 23, 1987. It is suggested that anyone interested in the rule amendments covered by this Notice inquire of the Board office in accordance with the procedures set forth under Part IV below to determine whether the hearing has been canceled because less than 25 persons requested it.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
>
> (b) Who spends more than $250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board's offices and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes all of the evidence and

argument which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Board's offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rule amendments for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendments with the Secretary of State.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before September 16, 1987, and leave your name, address and telephone number. You will be notified after September 16, 1987, if the hearing has

been cancelled. You may also call the Board after September 16, 1987, for oral confirmation regarding the scheduled hearing. The Board's telephone number is (612) 642-0579.

Dated: August ~~July~~ 3, 1987

STATE OF MINESOTA

BOARD OF DENTISTRY

Douglas R. Sell

DOUGLAS R. SELL
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendment to the Board of Dentistry Rule Relating to Annual Renewal Fees, Minn. Rules pt. 3100.2000, subp. 2

STATEMENT OF NEED AND REASONABLENESS

RECEIVED
JUL 30 1987
ADMINISTRATIVE

Pursuant to Minn. Stat. §§ 14.131 and 14.23 (1986), the Minnesota Board of Dentistry (hereinafter "Board"), hereby affirmatively presents the need for and facts establishing the reasonableness of the proposed amendments to Minn. Rules, pt. 3100.2000, subp. 2, relating to annual license and registration renewal fees.

In order to adopt the proposed amendments, the Board must demonstrate that it has complied with all the procedural and substantive requirements of rulemaking. Those requirements are as follows: 1) there is statutory authority to adopt the rule; 2) the rules are needed; 3) the rules are reasonable; 4) all necessary procedural steps have been taken; and 5) any additional requirements imposed by law have been satisfied. This statement demonstrates that the Board has met these requirements.

1. STATUTORY AUTHORITY

The statutory authority of the Board to adopt these rules is as follows:

1. Minn. Stat. § 150A.04, subd. 5 (1986), authorizes the Board to promulgate rules necessary to carry out the provisions and purposes of the Minnesota Dental Practices Act, Minn. Stat. ch. 150A;

2. Minn. Stat. § 150A.09, subd. 1 (1986) authorizes the Board to establish renewal license and registration fees; and

3. Minn. Stat. §§ 16A.128 and 214.06 (1986), require the Board to adjust any fee which the Board is empowered to assess a sufficient amount so that the total fees collected will as closely as possible equal anticipated expenditures during the

fiscal biennium which is determined by reference to the agency's appropriation for the biennium plus the agency's general costs, statewide indirect costs, and Attorney General costs attributable to the fee function.

2. STATEMENT OF NEED

As the following figures illustrate, the Board's expenditures have exceeded its revenue from existing fees for the past several years.

	FY 1985	FY 1986	FY 1987
Total Costs	348,500	341,700	358,700
Receipts	293,100	341,100	353,800
Deficit	55,400	600	4,900

Given the past experience and projections for the future, including a projection of total Board costs for FY 1988 of 461,700, remedial action must be taken for the 1988 renewal fees to avoid a dramatic increase in the deficit. Accordingly, it is necessary to increase the fees to assure that revenues and expenditures match as nearly as possible but also to help cover the deficits from past years. This action is also mandated by Minn. Stat. §§ 16A.128, subd. 1a, and 214.06, subd. 1.

3. STATEMENT OF REASONABLENESS

The recommended increases are predicated on historical information that relates to basic services and legal services. It has been the Board's experience that basic services such as licensure, registration, renewal, CDE maintenance and rules have increased in cost by approximately 22 percent over the past three years. With this increase in basic services, the renewal rates are being increased by 25 percent for all licensees or registrants.

In addition to the basic services, legal services represent a significant cost to the Board. Pursuant to Minn. Stat. § 214.04, these services are provided by the Attorney General's Office. These charges have increased by 40 percent over the past three years. Almost the entire increase can be attributed to legal and investigative

services related to complaints received against dentists as opposed to dental hygienists or registered dental assistants. Thus, the proposed fee increase for dentists reflects these increased costs in addition to the 25 percent increase for basic services referenced above.

For detailed information regarding the fees, see the memorandum attached as an addendum and made a part hereof from Bruce J. Reddemann of the Department of Finance to Douglas Sell of the Board dated June 8, 1987.

4. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS

Minn. Stat. §§ 14.05 to 14.28, specify certain procedures which must be followed when an agency adopts or amends rules. Procedures applicable to all rules as specified in Minn. Stat. §§ 14.05 to 14.12 have been complied with by the Board as noted below. Because the increased fees must be established prior to the Board mailing the 1988 license and registration renewal applications, it has chosen to proceed under the noncontroversial rule provisions of Minn. Stat. §§ 14.22 to 14.28 but, at the same time, to start the public hearing rulemaking process under Minn. Stat. §§ 14.131 to 14.20. Thus, if 25 or more persons request a hearing under the noncontroversial process, time will not be lost as the hearing notice will have already been published. If a hearing need not be held, the rulemaking notice provides for cancellation of the hearing. In either event, the Board is complying with the rulemaking requirements for a public hearing as well as for the noncontroversial process.

Procedural Rulemaking Requirements of the Administrative Procedure Act

Minn. Stat. § 14.10, requires an agency which seeks information or opinions in preparing to propose an amendment of rules from sources outside the agency to publish a notice in the State Register and afford all interested persons an opportunity to submit data or comments on the subject matter of the proposed changes. In the

State Register issue of Monday, June 15, 1987, at page 2286, the Board published a notice entitled "Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Amendment Governing Annual Renewal Fees Minn. Rules pt. 3100.2000, subp. 2." The Board did not receive any written comments in response to this notice.

The adoption of these rules will not require the expenditure of public money by local public bodies, nor do the rules have any impact on agricultural land. See Minn. Stat. § 14.11. As discussed below, the adoption of these rules will not affect small businesses. See Minn. Stat. § 14.115. In compliance with Minn. Stat. § 16A.128, subd. 2a, a copy of the Board's Alternative Notices regarding its intent to amend its fee rule and a copy of the rule as proposed for amendment were submitted to the chairpersons of the appropriations committee and the senate finance committee of the Minnesota House of Representatives and Senate respectively before the Notice was submitted for publication to the State Register.

Pursuant to Minn. Stat. §§ 14.131 and 14.23, the Board has prepared this Statement of Need and Reasonableness which is available to the public. The Board will publish its Alternative Notices consisting of a 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 in the State Register and mail copies of the notice and proposed amendments to persons registered with the Minnesota Board of Dentistry pursuant to Minn. Stat. § 14.14, subd. 1.a. The notice will comply with the requirements of Minn. Stat. §§ 14.14 and 14.22 and Minn. Rule pt. 2010.0300E.

If the rule amendments are adopted without a public hearing, the Board will submit the proposed amendments and all the required documents to the Attorney General for approval of the amendments as to legality and form as it relates to legality. Notice of the submission to the Attorney General will be mailed to all persons requesting to receive the notice.

5. ADDITIONAL REQUIREMENTS

Approval of the Commissioner of Finance. Pursuant to Minn. Stat. § 16A.128, subd. 1a, if a fee adjustment is required to be fixed by rule, the Commissioner of Finance must approve the adjustment, and the Commissioner's approval must be in the Statement of Need and Reasonableness. The Commissioner's approval of the proposed amendments to part 3100.2000, subpart 2, is contained in the attached Addendum, a memorandum from Bruce J. Reddemann, Director, Budget Operations and Support, Department of Finance, to Douglas R. Sell, Executive Director, Minnesota Board of Dentistry, dated June 8, 1987, subject, Proposed Fee Changes.

Small Business Considerations. Minn. Stat. § 14.115 requires administrative agencies, when proposing a rule or an amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small businesses and to provide opportunity for small businesses to participate in the rulemaking process. It is the Board's position that the rule amendments will not affect small businesses.

The rule amendment will increase the annual license or registration renewal fee for dentists, dental hygienists, and registered dental assistants. The license or registration is of people and not businesses and authorizes them to perform various professional services independent of whether or not the services are performed as part of a small business.

However, should the amendments in some way be construed as affecting small businesses, the Board reviewed the suggested methods for reducing the impact of the rules on small businesses and noted that those methods basically relate to compliance and reporting requirements and performance standards. The proposed amendments do not address these matters but instead raise fees charged by the Board

for licensure and registration renewal. Furthermore, reducing the impact of the amendments on small businesses would be contrary to the statutory objectives that are the basis for requiring the Board to adjust fees to meet anticipated expenditures. See Minn. Stat. §§ 16A.128, subd. 1a, and 214.06, subd. 1. It would also result in placing a greater burden on those persons not considered "small businesses" when the work of the Board applies equally to all licensees and registrants without regard to their small business classification. Such a distinction, if reflected in renewal fees, would be without justification.

Licensee and registrants, regardless of whether they are considered as individuals or small businesses, will have an opportunity to participate in the rulemaking procedure. A notice of the proposed rulemaking will be mailed to the following organizations which will likely represent any entity affected by the amendments which might claim to be a small business: Minnesota Dental Association, Minneapolis District Dental Society, Northeastern District Dental Society, St. Paul District Dental Society, Northwestern District Dental Society, Southeastern District Dental Society, Southern District Dental Society and West Central District Dental Society.

Dated: July 29, 1987

STATE OF MINNESOTA

BOARD OF DENTISTRY

DOUGLAS R. SELL
Executive Director

Addendum SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Finance

DATE : June 8, 1987

TO : Douglas R. Sell, Executive Director
Board of Dentistry

FROM : Bruce J. Reddemann, Director
Budget Operations and Support

BJR



PHONE : 6-5188

SUBJECT : Proposed Fee Changes

Fee adjustments requested on your May 19, 1987 proposal have been reduced and approval is given for the rates shown below:

	Number	Current Fee	Approved Fee	Revenue
Dentist	3,900	$45	$70	$ 273,000
Dental Hygienist	2,600	$20	$25	65,000
Registered Dental Asst.	3,400	$14	$17	57,800
				$ 395,800
Miscellaneous fees - Licensure by Credential, Late Fees, Duplicate Licensure or Registration Fee, Reinstatement Fee - At Current Rate				68,900
				$ 464,700
				X 2
Total Biennial Receipts				$ 929,400

Based on the following estimated expenditures for the biennium, these fees will approximate costs:

Item	1988	1989	Biennial Total
Appropriation	$ 317,000	$ 317,400	$ 634,500
Indirect Costs	14,640	14,700	29,340
Salary Supplement (2-1/2%)	5,000	10,300	15,300
Attorney General (Est.)	100,000	100,000	200,000
1987 Deficit	25,000	25,000	50,000
	$ 461,740	$ 467,400	$ 929,140

Minnesota Statute 16A.128, Subd. 1a, states that fees must be set or fee adjustments must be made so that the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs and Attorney General costs attributable to the fee function. The approved fees will accomplish this objective.

TL/BJR/BN/KB/568T

cc: Brian Roherty
John Schorn
Bart Nelson

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of Proposed Amendment to the Board of Dentistry Rule Relating to Annual Renewal Fees, Minn. Rule pt. 3100.2000, subp.2

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

Douglas R. Sell, being first duly sworn, deposes and says:

I am the Executive Director of the Minnesota Board of Dentistry, and hereby certify that the attached list of persons and associations who have requested pursuant to Minn. Stat. §§ 14.14, subd. 1a, and 14.22 that their names be placed on the Board's rulemaking mailing list is accurate, complete and current as of this 12th day of August, 1987.

On the 12th day of August, 1987, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached ALTERNATIVE NOTICES - 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 which included the proposed amendment to Minn. Rule pt. 3100.2000, subp. 2, by depositing in the United States mail through the mail room at the Minnesota Department of Health Building in said City of Minneapolis, copies thereof, properly enveloped, with postage prepaid, to all persons and associations on the mailing list referenced above.

Douglas R. Sell

DOUGLAS R. SELL
Executive Director

Subscribed and sworn to before me

this 12th day of August, 1987.

Arlayne J. Nelson

ARLAYNE J. NELSON
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMM. EXP. MAR. 3, 1993

Dental Assisting Schools
Discretionary

Judith R. Damp, Director
BEMIDJI AREA VO-TECH INST.
Dental Assisting Programs
Roosevelt Rd. & Grant Ave.
Bemidji, MN 56601

LeAnn Lundberg, Director
BRAINERD AREA VO-TECH INST.
Dental Assisting Program
300 Quince
Brainerd, MN 56401

Dr. Roger Ostroot, Director
SOUTHWEST VO-TECH INSTITUTE
CANBY CAMPUS
1011 - 1st Street W.
Canby, MN 56220

Ethel Meyer, Director
HIBBING AREA VO-TECH INST.
Dental Assisting Program
1900 Beltline
Hibbing, MN 55746

Rita Anderson, Director
LAKELAND ACADEMY OF MEDICAL &
DENTAL ASSISTING
1402 W. Lake Street
Minneapolis, MN 55408

Karron Metz, Instructor
MANKATO STATE UNIVERSITY
Dental Assisting Program
P.O. Box 81
Mankato, MN 56001

Diane Maculus, Director
MEDICAL INSTITUTE OF MINNESOTA
2309 Nicollet Avenue
Minneapolis, MN 55404

Kathy Lapham, Director
MINNEAPOLIS TECHNICAL INST.
Dental Assisting Program
1415 Hennepin Avenue
Minneapolis, MN 55403

Shirly Hild, Director D.A.
MINNESOTA INSTITUTE OF MED.
AND DENTAL CAREERS, INC.
2915 Wayzata Blvd.
Minneapolis, MN 55405

Cher Lundeen, Director
HENNEPIN TECHNICAL CENTER
Dental Assisting Program
9000 No. 77th Avenue
Brooklyn Park, MN 55445

Pe[redacted]e Humphrey, Director
MO[redacted]EAD AREA VO-TECH INSTITUTE
Dental Assisting Program
1900 - 28th Avenue So.
Moorhead, MN 56560

Doreen Bruns, Director
916 AREA VO-TECH INSITUTE
Dental Assisting Program
3300 Century Avenue
White Bear Lake, MN 55110

Jacki Selby, Coordinator
NORMANDALE COMMUNITY COLLEGE
Dental Assisting Program
9700 France Avenue So.
Bloomington, MN 55431

LaVonne Aadland, RDA
Dental Assisting Supervisor
Dental Auxiliaries
NO DAKOTA STATE SCHOOL SCIENCE
Wahpeton, ND 58075

Nancy Post, Director
ROCHESTER AREA VO-TECH INST.
Dental Assisting Program
1926 Second Street S.E.
Rochester, MN 55901

Kathy Brown, Director
ST. CLOUD AREA VO-TECH INST.
Dental Assisting Department
1540 Northway Drive
St. Cloud, MN 56301

Helen Tuchner, RDA
~~UNIVERSITY OF MINNESOTA~~
~~School of Dentistry~~
~~Moos Tower, Room 5-164~~
~~Minneapolis, MN 55455~~
address

~~Harold Roelike, D.D.S.~~
~~704 Third Avenue S.E.~~
~~Minneapolis, MN 55414~~
address

Rodney J. Casad, D.D.S.
Director, Dental Auxiliaries
NO DAKOTA STATE SCHOOL SCIENCE
Wahpeton, ND 58075

Dr. Robert Fonda, Director
MANKATO STATE UNIVERSITY
Dental Assisting Program
P.O. Box 81
Mankato, MN 56001

Dr. Eugene Ley
Dental Hygiene Program
UNIVERSITY OF MINN.-DULUTH
Duluth, MN 55812

Dr. Odin M. Langsjoen
De[redacted]l Auxiliaries
UNIVERSITY OF MINN.-DULUTH
Room 73 - MWAH
Duluth, MN 55812

Dr. James McCrane
NORMANDALE COMMUNITY COLLEGE
Dental Department
9700 France Avenue So.
Bloomington, MN 55431

MINNESOTA DENTAL ASSOCIATION
Discretionary

~~Dr. George Winn, President~~
~~MINNESOTA DENTAL ASSOCIATION~~
~~301 E. Main Street~~
~~P.O. Box 187~~
~~New Prague, MN 56071~~
New Address

~~Dr. Wesley J. Streed~~
~~Consultant to the Board~~
~~MINNESOTA DENTAL ASSOCIATION~~
~~1011 - 2nd Street No.~~
~~St. Cloud, MN 56301~~
New Consultant

District Dental Societies
Discretionary

MINNEAPOLIS DISTRICT DENTAL
SOCIETY
220 So. 2nd Street #300
Minneapolis, MN 55401

ST. PAUL DISTRICT DENTAL SOCIETY
649 Lowry Medical Building
St. Paul, MN 55102

Dale I. Erickson, D.D.S.
Vice-President
MPLS DISTRICT DENTAL SOCIETY
5601 Nicollet Avenue So.
Minneapolis, MN 55419

Scot A. Kron, D.D.S.
Secretary-Treasurer
ST. PAUL DISTRICT DENTAL SOCIETY
4706 Banning Avenue
White Bear Lake, MN 55110

~~Rolf I. Lindquist, D.D.S.~~
~~Secretary-Treasurer~~
~~West Central District Den. Soc.~~
~~Box 107~~
~~Parker's Prairie, MN 56361~~
New Address

(2)

Eugene T. Altiere, D.D.S.
Secretary-Treasurer
NE District Dental Society
712 Medical Arts Building
Duluth, MN 55802

David J. Fihn, D.D.S.
Secretary-Treasurer
NW District Dental Society
1131 Jackson Avenue
Detroit Lakes, MN 56501

~~Spencer W. Burrington,~~ D.D.S.
~~Secretary-Treasurer~~
~~SE District Dental Society~~
~~823 - 4th Street S.W.~~
~~Rochester, MN 55901~~ new address

Ronald L. Albright, D.D.S.
Secretary-Treasurer
So. District Dental Society
Box 426
New Ulm, MN 56073

Dental Hygiene Officers
Discretionary

Candy Peterson, D.H.
President, MINNESOTA DENTAL
HYGIENISTS' ASSOCIATION
1455 Salem Church Road #307
Inver Grove Heights, MN 55075

Leslee Schmidt, D.H.
Past-President, MINNESOTA
DENTAL HYGIENISTS' ASSOCIATION
4419 Drew Avenue No.
Minneapolis, MN 55422

Carrie Meixner, D.H.
Consultant to Board, MINNESOTA
DENTAL HYGIENISTS' ASSOCIATION
1825 Case
St. Paul, MN 55119

MN DENTAL ASSISTANTS' ASSOC.
Discretionary

~~Phyllis Gilbert, RDA~~
~~President, MINNESOTA DENTAL~~
~~ASSISTANTS' ASSOCIATION~~
~~3309 W. 55th Street~~
~~Edina, MN 55410~~ new president

~~U~~niversity of Minnesota
~~P~~ersonnel - Discretionary

Mr. Mike Johnson
UNIVERSITY OF MINNESOTA
Dept. of Health Ecology
Moos Tower 8-536 - Hygiene
Minneapolis, MN 55455

Dean Richard P. Elzay
UNIVERSITY OF MINNESOTA
School of Dentistry
Moos Tower - Room 15-208
Minneapolis, MN 55455

Dr. James R. Jensen
UNIVERSITY OF MINNESOTA
School of Dentistry
Moos Tower, Room 15-234
Minneapolis, MN 55455

Dr. Robert Bender
BRAINERD VO-TECH INSTITUTE
Dental Assisting Program
300 Quince
Brainerd, MN 56401

Kathy Newall, D.H.
Director, D.H. Department
U of M School of Dentistry
Moos Tower, Room 5-164
Minneapolis, MN 55455

Ms. Joan Farkas
NORMANDLAE COMMUNITY COLLEGE
Dental Hygiene Department
9700 France Avenue So.
Bloomington, MN 55431

Associations
Discretionary

~~Dr. Gary Erickson, AMERICAN~~
~~ASS'N ORAL/MAXIOLLOFACIAL SURG.~~
~~18150 No. Diamond Lake Road~~
~~Anoka, MN 55303~~ new address

AMERICAN DENTAL SOCIETY OF
ANESTHESIA
11441 Osage Street N.W.
Coon Rapids, MN 55433

MIDWEST SOCIETY ORAL SURGEONS
~~M~~ MAYO CLINIC
200 First Street S.W.
Rochester, MN 55901

~~MINN ASS'N OF PERIODONTISTS~~
~~508 Southdale Medical Bldg.~~
~~Minneapolis, MN 55435~~ new address

~~MINN ASS'N OF PROSTHODONTICS~~
~~1312 - 2nd Street N.E.~~ NEW OFFICE
~~Minneapolis, MN 55413~~
~~c/o Dr. W. S. Warpeha~~

MINN D.H. EDUCATION ASS'N
U OF M School of Dentistry
Moos Tower, Room 5-164
Minneapolis, MN 55455

~~MINN SOCIETY OF ORTHODONTISTS~~
~~3359 W. Broadway~~ new address
~~Minneapolis, MN 55422~~

Dr. Walter Parsons
MINN ORTHODONTIC SOCIETY
2233 Hamline Avenue No. #411
Roseville, MN 55113

Dr. Richard Blevins
250 No. Central Avenue #6
Wayzata, MN 55391

Dr. William K. Berger
Professional Building
Onamia, MN 56349

Dr. Frank Blanchard
121 - 7th Avenue E.
Alexandria, MN 56308

Drs. R. D. Baumgartner &
F. C. Eichmiller
Lincoln Arcade Building
Olivia, MN 56277

Dr. L. C. Boehland
3480 Bunker Lake Blvd. N.W.
Anoka, MN 55303

Interested Persons
Discretionary (3)

Dr. [redacted]. M. Ingham
1[redacted] Hickory Street
Mahtomedi, MN 55115

Dr. [redacted]obert Jensen
24[redacted] White Bear Avenue
Maplewood, MN 55109

Dr. James F. Bussen
7104 Chicago Avenue So.
Minneapolis, MN 55408

Dr. Walter G. Iverson
5538 Chicago Avenue So.
Minneapolis, MN 55417

Randolph W. Morris
Messerli, Roe, Balogh & Kramer
6550 York Avenue So. #300
Minneapolis, MN 55435

Dr. Dennis Brandstetter
1919 Excelsior Avenue W.
Hopkins, MN 55343

Brad Hoffman
City of Brooklyn Park
6301 Shingle Creek Parkway
Brooklyn Center, MN 55432

Dr. Daryl J. Marcus
525 W. 3rd Street
Willmar, MN 56201

~~Denise Brown, RDA~~
~~7225 Valley Place #3~~
~~Crystal, MN 55427~~
address

~~Ms. Millie Jackson~~
~~MCH - Dept. of Health~~
~~Dental Health~~
~~Minneapolis, MN 55440~~
address

Dr. & Mrs. Anthony Michelich
3802 - 3rd Place N.W.
Rochester, MN 55901

Dr. Peter Cameron
1025 Evergreen Lane
Minneapolis, MN 55441

Dr. Dennis A. Johnson
621 Winnetka Avenue No.
Golden Valley, MN 55422

Dr. Gregory C. Pappenfus
No. Port Professional Center
1520 Northway Drive #116
St. Cloud, MN 56301

Dr. William G. Dols

Goodhue, MN 55027

Dr. Ronald L. King
1201 Lagoon Avenue
Minneapolis, MN 55408

Harriet Pexsa, RDA
P.O. Box 374
Alexandria, MN 56308

Dr. & Mrs. Clark Eid
P.O. Box 596
Fertile, MN 56540

William Laney, D.D.S., Chair.
Department of Dentistry
MAYO CLINIC
Rochester, MN 55901

Dr. R. E. Nordby
3943 W. Broadway
Minneapolis, MN 55422

Conrad M. Fredin, Attorney at Law, Johnson, Et. Al.
811 First National Bank Bldg.
Duluth, MN 55802

Dr. Clark F. LaChapelle &
Robert E. Derr
201 W. Burnsville Parkway #138
Burnsville, MN 55437

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

Barbara Fossum, D.H.
4230 Juneau Lane
Plymouth, MN 55446

Ellen Lyons, D.H.
10020 Windsor Lake Lane
Minnetonka, MN 55343

Thomas M. Polt
Attorney at Law
McCarthy Building
Eyota, MN 55934

Dr. D. Lawrence Harris
3021 Lyndale Avenue So.
Minneapolis, MN 55408

Long Prairie Dental Clinic
917 - 1st Avenue S.E.
Long Prairie, MN 56347

~~Bruce T. Rowe, Administrator~~
~~Community Health Services Board~~
~~325 Lake Avenue So. #604~~
~~Duluth, MN 55802~~
no forwarding address

~~Susan J. Ladwig~~
~~Chestnut & Brooks,~~ P.A.
~~Midland Bank Building #900~~
~~Minneapolis, MN 55401~~
address

Beverley J. ~~Rohda,~~ RDA
~~1694 E. Cottage Avenue~~
~~St. Paul, MN 55106~~
new CE consultant

A. J. Hill, D.D.S.
May Clinic
Rochester, MN 55901

Interested Persons
Discretionary (4)

D. Wellner, Goodell & Stubbin
BEMIDJI PROFESSIONAL BUILDING
2600 Bemidji Avenue
Bemidji, MN 56601

Holly Rossman
604 Hassan Street
Hutchinson, MN 55350

Dr. Thomas J. Zehren
200 Tini Square Building
Virginia, MN 55792

Dr. Harry R. Dorvinen
2860 Piedmont Avenue
Duluth, MN 55811

Dr. Gregory Sheehan
1215 Rice Street
St. Paul, MN 55117

Dr. Kenneth Zimmerman
Box 37
Byron, MN 55920

Sr. Cecilia Mary Harrington
2004 Randolph Avenue
St. Paul, MN 55105

Karlene Strelow, RDA
c/o Dr. C. M. Ingham
130 Hickory Street
Mahtomedi, MN 55115

Dr. Robert R. Hoover
7501 Golden Valley Road
Golden Valley, MN 55427

~~Dr. Eugene T. Altiere~~
~~712 Medical Arts Building~~
~~Duluth, MN 55802~~
on list 3 times

Dr. Lawrence Irgens
804 Douglas
Alexandria, MN 56308

Dr. Robert W. Tjossem
111 No. Broadway
Crookston, MN 56716

Bonnie Kail
1941 Highland Parkway
St. Paul, MN 55116

Dr. John D. Sawyer
104 W. 7th Street
Blue Earth, MN 56013

Kathy Lapham
2228 Country Lane
Minnetonka, MN 55343

Dr. G. R. Williams
9420 Lyndale Avenue So.
Bloomington, MN 55420

Dr. Thomas J. McCarter
53 Nord Circle Road
North Oaks, MN 55110

Drs. Blair D. Woolsey,
James F. Meyer & Ron Fletcher
4100 Bellaire Avenue
White Bear Lake, MN 55110

Dr. Boyd A. Wright
542 South Snelling
St. Paul, MN 55116

Jean Werner, D.H.
c/o Dr. C. M. Ingham
130 Hickory Street
Mahtomedi, MN 55115

Lynda Young, D.H.
3448 Edmund Boulevard
Minneapolis, MN 55406

REGISTERED

[redacted]n Dawson, Editor
[redacted]NNESOTA GOVERNMENT REPORT
[redacted]12, Press Room, CAPITOL
St. Paul, MN 55155

Frederick W. Nolting, D.D.S.
[redacted]ro Valley Dental Society
[redacted] Frontage Road N.W.
Box 367
Byron, MN 55920

Dr. Robert A. Harder
MINNESOTA DENTAL ASSOCIATION
2236 Marshall Avenue
St. Paul, MN 55104

Patrick E. Flahaven
SECRETARY OF THE SENATE
231 Capitol Building
St. Paul, MN 55155

Bruce T. Rowe, Administrator
Community Health Services Board
325 Lake Avenue So. #604
Duluth, MN 55801

Mr. Arthur Gillen
402 Drover's Bank Building
633 So. Concord Street
So. St. Paul, MN 55075

~~MINN BOARD OF PEACE OFFICE STANDARDS AND TRAINING~~
~~500 Metro Square Building~~
~~St. Paul, MN 55101~~
no forwarding add.

Mr. Don J. Ryan, President
JONATHAN HEALTH SERVICES
Shelard Plaza No. #560
300 So. County Road 18
Minneapolis, MN 55421

Mr. Paul Brakke
MINNESOTA DENTAL ASSOCIATION
2236 Marshall Avenue
St. Paul, MN 55104

Edward A. Burdick, Chief Clerk
House of Representatives
211 Capitol Building
St. Paul, MN 55155

Judith G. Schotzko
Frundt, Frundt & Johnson
117 W. 5th Street
Blue Earth, MN 56013

~~Eugene T. Altiere, D.D.S.~~
~~712 Medical Arts Building~~
~~Duluth, MN 55802~~
on list 3 times

MINN BOARD OF CHIROPRACTIC EXAMINERS
2700 Univeristy Avenue W.
St. Paul, MN 55114

MINN DENTAL LAB ASSOCIATION
P.O. Box 151
Lakeland, MN 55043

MINN. BOARD OF NURSING
2700 University Avenue W.
St. Paul, MN 55114

MINN. MEDICAL ASSOCIATION
American National Bank Bldg.
101 E. 5th Street
St. Paul, MN 55101

MINN BOARD OF OPTOMETRY
2700 University Avenue West
St. Paul, MN 55114

County of Anoka, Community
Health & Social Services
Department
Courthouse, 4th Floor
Anoka, MN 55303

MINN BOARD OF PHARMACY
2700 University Avenue West
St. Paul, MN 55114

MINN ATTORNEY GENERAL
Anti-Trust Division
2nd Floor, Ford Bldg.
117 University
St. Paul, MN 55155

MINN BOARD OF PSYCHOLOGY
2700 Univeristy Avenue West
St. Paul, MN 55114

Sam Ruhle
OFFICE OF ADMIN. HEARINGS
400 Summit Bank Bldg.
310 So. 4th Avenue
Minneapolis, MN 55415

M.S. Schumacher
MPLS STAR & TRIBUNE
425 Portland Avenue
Minneapolis, MN 55488

LEGISLATIVE REFERENCE LIBRARY
111 Capitol Building
St. Paul, MN 55155

Mr. Robert Proebstle
Accelerated Practice Concepts
7 Robb Farm Road
No. Oaks, MN 55110

Helen Tuchner
1728 No. St. Albans
St. Paul, MN 55113

Dr. [redacted]ene J. Fortman
MN [redacted]ssociation of Periodontists
21[redacted] Viking Drive N.W.
Rochester, MN 55901

Lisa Mills, Legal Assistant
[redacted]sicians Health Plan
9[redacted]00 Bren Road East
Minnetonka, MN 55343-9696

Marquerite M. Chiovitti-Podgorsek, D.D.S.
DULUTH AREA VO-TECH INSTITUTE
2101 Trinity Road
Duluth, MN 55811

Dr. Owen N. Germundson
MN Ass'n of Orthodontists
227 E. Main Street
Mankato, MN 56001

David L. Gadola, D.D.S.
41 North Union Street
Mora, MN 55051

Dr. Roger J. Fredsall
President, MDA
1029 Medical Arts Bldg.
Minneapolis, MN 55402

Dr. William H. Kuhlmann
MN Ass'n of Prosthodontists
301 Kenwood Parkway
Minneapolis, MN 55403

Ms. Millie Jackson
MCH - Dental Health
Minnesota Dept. of Health
717 S.E. Delaware Street
Minneapolis, MN 55440

Dr. Wesley J. Streed
1011 - 2nd Street North
St. Cloud, MN 56301

Susan J. Ladwig
North Star Policy Associates
114 Metro Square Building
St. Paul, MN 55101

John Dlugosch
Thoele Dental Lab, Inc.
Box 928
St. Cloud, MN 56301

Dr. Raymond C. Kieffer
Pres., West Central Dist.
2014 South 6th Street
Brainerd, MN 56401

Sandy Kaufmann
Continuing Education Reg., MDAA
Box 272
Rush City, MN 55069

Drs. Keifer, Jaksa & Neubauer
1010 East Highway 96
White Bear Lake, MN 55110

Dr. Richard W. Oase
Pres., Northeastern Dist.
601 Alworth Building
Duluth, MN 55802

Denise Brown, RDA
13715 - 87th Avenue No.
Maple Grove, MN 55369

Pat Smith, D.H.
3311 Eden Way
Carmel, IN 46032

Dr. Francis J. Washburn
Pres., Southeastern Dist.
1008 - 12th Street S.E.
Rochester, MN 55904

Marcia Kurkowski
MN Ass'n of Orthodontists
2233 Hamline Avenue No.
Roseville, MN 55113

Mary Jo Thoele, D.H.
16540 Quartz Street NW
Anoka, MN 55303

Sharon Grayden, D.H.
Past-Pres., MDHA
4395 Cottonwood Lane
Excelsior, MN 55331

Curtis A. Rohrer, D.D.S.
64 West 5th Street
Winona, MN 55987

Dr. Harold Roelike
Box 189
Melrose, MN 56352

Carla Anderson, RDA
Pres., MDAA
4829 Debra Street
White Bear Lake, MN 55110

Stephen F. Litton, D.D.S.
717 Winnetka Avenue
Minneapolis, MN 55427

Dr. Richard K. Check
MN Society of Oral Surgeons
5901 Brooklyn Blvd.
Brooklyn Center, MN 55429

Wayne Sletten, D.D.S.
1206 Front Street
Albert Lea, MN 56007

Dr. Michael P. Celliti
MN Society of Pedodontists
500 Osborne Road
Fridley, MN 55432

David D. Nerothin, D.D.S.
Route 3, Box B-199
Buffalo, MN 55313

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

RECEIVED
AUG 25 1987
ADMINISTRATIVE HEARINGS

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 the 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 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 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

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.

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

not request that one be held. There will be a one week period between the end of the comment period and the scheduled hearing date. This period will give interested persons time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry proposes to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for the adoption of rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to amend the rule is contained in *Minnesota Statutes* §§ 16A.128, 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986).

All persons have 30 days from the date this Notice is published in the *State Register* (i.e., through September 16, 1987) to submit comment in support of or in opposition to the proposed amendments or any part of them. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule 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 public 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 Board will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Mr. Douglas R. Sell
Executive Director
Minnesota Board of Dentistry
Suite 109, 2700 University Avenue West
St. Paul, Minnesota 55114
(612) 642-0579

The proposed amendments to the rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed amendments to the rule as noticed.

If adopted, the proposed amendments will increase the fees collected by the Board for annual license or registration renewal.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed amendments to the rule has been prepared and is available from Mr. Sell upon request.

The approval of the Commissioner of Finance for amendments of rules relating to fees is required by *Minnesota Statutes* sections 16A.128, subd. 1a (1986). The Commissioner's approval of the proposed license and registration annual renewal fees is contained in a memorandum dated June 8, 1987, which is attached to the Statement of Need and Reasonableness. The memorandum is also available from Mr. Sell upon request.

Promulgation of the proposed rule amendments will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land. Likewise, it is believed that the changes will not have a quantitative or qualitative impact on small businesses. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

If no hearing is required, upon adoption of the amendments to the rule, the amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule as amended, must submit a request to Mr. Sell at the above address.

Any rule amendment made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the amendment to the rule.

III. NOTICE OF INTENT TO AMEND RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH

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.

RESPECT TO THE ABOVE-CAPTIONED RULE AMENDMENTS WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE. A HEARING WILL BE HELD ON SEPTEMBER 23, 1987, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986), in the main conference room, first floor, 2700 University Avenue West, St. Paul, Minnesota 55114, on September 23, 1987, commencing at 9:00 A.M.

The statutory authority of the Board to amend the rules relating to fees is contained in *Minnesota Statutes* §§ 16A.128, 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986). Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is believed that the changes will not have a quantitative or qualitative impact on small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone: (612) 341-7606. Unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1985), as promulgated by the Office of Administrative Hearings. Questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed amendments will increase the fees collected by the Board for annual license or registration renewal. The specific changes are set forth in Part II of the Alternative Notices. A free copy of the proposed rule amendments may be obtained from Mr. Sell at the address noted above.

The proposed rule amendments may be modifed as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed amendments are encouraged to participate in the process.

Please be aware that the Board of Dentistry is given this simultaneous notice of its intent to adopt the above-captioned rule amendments with a hearing only if 25 or more persons request a hearing pursuant to the Notice contained in Part II above. The hearing on the proposed amendment has been scheduled for September 23, 1987. It is suggested that anyone interested in the rule amendments covered by this Notice inquire of the Board office in accordance with the procedures set forth under Part IV below to determine whether the hearing has been canceled because less than 25 persons requested it.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board's offices and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes all of the evidence and argument which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Board's offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rule amendments for a period of five working days. If you desire to

be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendments with the Secretary of State.

IV. NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before September 16, 1987, and leave your name, address and telephone number. You will be notified after September 16, 1987, if the hearing has been cancelled. You may also call the Board after September 16, 1987, for oral confirmation regarding the scheduled hearing. The Board's telephone number is (612) 642-0579.

Dated: 3 August 1987

Douglas R. Sell
Executive Director
Board of Dentistry

Rules as Proposed

3100.2000 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

A. dentist, ~~$45~~ $70;

B. dental hygienist, ~~$20~~ $25; and

C. registered dental assistant, ~~$14~~ $17.

Subp. 3. to 10. [Unchanged.]

Department of Labor and Industry

Proposed Permanent Rules Relating to Occupations and Professions; Fees

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Labor and Industry, Code Enforcement Division, intends to adopt the above-captioned rules without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22-14.28 (1986).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed rules are encouraged. Each comment should identify the portion of the proposed rules 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 in the rules as proposed.

A public hearing will not be held on these rules, unless twenty-five or more persons submit written requests for public hearing on the proposed rules within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 14.131-14.20 (1986). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes proposed.

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

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Boyd A. Wright, DDS, do hereby certify that I am a member and the President of the Minnesota Board of Dentistry, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Dentistry duly and properly called and held on the 26th day of September, 1987, that a quorum was present at said meeting, and that a majority of those present voted for the resolution which has not been rescinded or modified:

> RESOLVED, that the proposed amendment to the Board of Dentistry rule relating to annual renewal fees, Minn. Rules pt. 3100.2000, subp. 2, be and it hereby is approved and adopted, pursuant to authority vested in the Board of Dentistry by Minn. Stat. §§ 16A.128, 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986) and that Douglas R. Sell, Executive Director of the Board of Dentistry be and hereby is authorized to sign the Findings of Fact, Conclusions, and Order Adopting Rule Without Public Hearing and perform the necessary acts to provide that this rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29 day of September, 1987.

Boyd A Wright DDS

BOYD A. WRIGHT, DDS
President

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of the
Proposed Amendment to
the Board of Dentistry
Rule Relating to Annual
Renewal Fees, Minn. Rules
pt. 3100.2000, subp. 2

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

Notice of the Minnesota Board of Dentistry's (hereinafter "Board") proposed amendment of 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 Board, pursuant to Minn. Stat. §§ 14.14, subd. 1.a and 14.22 (1986), on August 12, 1987. The Statement of Need and Reasonableness was prepared before the date of the 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, was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. Before the notice was submitted to the State Register, a copy of the notice and the proposed rule amendment was sent to the chairs of the House Appropriations Committee and Senate Finance Committee.

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

No submissions or comments on the rule amendment were received by the Board. No requests for notice of submission to the Attorney General were received by the Board.

Based upon the evidence in the record before the Board, including the Statement of Need and Reasonableness which is incorporated herein as the Board's

findings, the Board concludes that the above-captioned rule amendment is both needed and reasonable.

NOW, THEREFORE, IT IS HEREBY ORDERED the the rule amendment identified as Proposed Amendment to the Board of Dentistry Rule Relating to Annual Renewal Fees, Minn. Rules pt. 3100.2000, subp. 2, is adopted this 26th day of September, 1987, pursuant to authority vested in the Board by Minn. Stat. §§ 16A.128 and 150A.04, subd. 5, 150A.09, subd. 1, and 214.06 (1986).

DOUGLAS R. SELL
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of the
Proposed Amendment to
the Board of Dentistry
Rule Relating to Annual
Renewal Fees, Minn. Rules
pt. 3100.2000, subp. 2

DECLARATION
OF COUNSEL

I, Richard A. Wexler, Assistant Attorney General, do hereby declare that I have examined the above-captioned rule amendment and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed without exception. For Attorney General billing purposes, the four-digit docket client code is 0479.

RICHARD A. WEXLER
Assistant Attorney General

Dated: September 30, 1987

Fees

The Board has the Com of Finance Approval.

Authority

150A.04 subd 5
150A.09 subd 1 BK
214.06

Rule

See proposed: not all new material

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

DATE : October 1, 1987

TO : Martha Casserly
Special Assistant
Attorney General

RECEIVED
ATTORNEY GENERAL'S OFFICE

OCT 02 1987

FROM : Richard A. Wexler
Assistant Attorney General

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

PHONE : 341-7272

SUBJECT : In the Matter of the Proposed Amendment to the Board of Dentistry Rule Relating to Annual Renewal Fees, Minn. Rules pt. 3100.2000, subp. 2

Enclosed for your review, pursuant to Minn. Stat. § 14.26 and Minn. Rules pt. 2000.0300, are the following documents to support the above-referenced noncontroversial rule amendment:

1. Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Amendment Governing Annual Renewal Fees Minn. Rules pt. 3100.2000, subp. 2.

2. Certificate of Board's Authorizing Resolution;

3. Rule as proposed with a certificate of approval as to form by the Revisor of Statutes attached;

4. 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; (as mailed)

5. Statement of Need and Reasonableness;

6. Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing, and Certificate of Mailing List;

7. 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; (as published in the State Register)

8. Rule as adopted (original and three copies);

9. Certificate of Board's Resolution Adopting Rule;

10. Findings of Fact, Conclusions, and Order Adopting Rule Without a Public Hearing;

11. Declaration of Counsel.

The following documents either were not received by the Board or were not required: petition for adoption; written requests, submissions, or comments on the rule; notice of submission of the rule to the Attorney General; and affidavit of mailing notice of submission of the rule to the Attorney General.

RAW:dsc

Enclosures

cc: Douglas R. Sell