

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC

RULE REVIEW CHECKLIST

File No. 1660 — Docket No. 05-0009-0487

DATE RECEIVED 1-25-90 — ADOPTED W/O HEARING _____

REVIEW DATE ~~2-3-90~~ 2-5-90 — EMERGENCY RULE _____

DUE DATE 2-8-90 — TO REVISOR ON 1-29-90

REVISOR APPROVED 2-1-90

APPROVED 2-5-90 mjc — REVISOR DISAPPROVED _____

DISAPPROVED _____ — FILED W/SEC. OF STATE 2-5-90

WITHDRAWN _____ — RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/~~Opinion~~ (if applicable)
- ✓ Date published in State Register
- _____ Comments

_____ ~~Petition for Adoption of a Rule~~ (if applicable)

✓ Board's Authorizing Resolution
- Oct 11, 1988 Date adopted

✓ Proposed Rule
- _____ Revisor's Certificate

_____ Notice of Intent to Adopt Rule
- 156.01 subd 1 Statutory Authority 156.03 and 214.06
- NA Small Business Statement
- _____ ~~Expenditure of public money statement~~
- 7-7-89 Signature

✓ Statement of Need and Reasonableness (if applicable)
- ✓ Small Business Statement
- ✓ Fees - § 16A.128 indicates the Comm. of Finance approved the fee

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 11-14-89 Date (30)/25 days before adoption
- _____ Notice attached - indicates the notice is attached
- NA Copy of rule or summary attached

✓ Publication in State Register
- 7-24-89 Date (30)/25 days before adoption

_____ 180-day deadline from:
- NA Effective date of law requiring rule (14.12) (both rules) not new Amendment
- ✓ end of comment period (§ 14.26) (rules without hearing) see my notes
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- Dec 21, 1989 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 1-3-90 Date states proposed rules were sent to the Chairs of the House Appropriations and Senate Finance

_____ Written requests, submissions or comments

✓ Declaration of attorney
- Terry O'Brien Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

FILE COPY

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : February 5, 1990

TO : TERRY P. O'BRIEN
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Permanent Rule Relating to Veterinary License Renewal Fees

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on February 5, 1990.

Enclosed is your 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, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:bbl
Enclosures

cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "

Board of Veterinary Medicine

Adopted Permanent Rules Relating to Veterinary License Renewal Fees

Rules as Adopted

9100.0500 RENEWAL FEE.

Subpart 1. [Unchanged.]

Subp. 2. **Amount.** The annual fee for licensure renewal is $40 and must be paid to the executive director of the board on or before March 1 of each year. By January 1 of the year for which the renewal fee is due, the board will issue a renewal application to each current licensee to the last address maintained in the board file. Failure to receive this notice does not relieve the licensee of the obligation to pay renewal fees in such a manner that they are received by the board on or before the renewal date of March 1.

Subp. 3 to 6. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 5 1990

Joan Anderson Growe
Secretary of State

5:00 pm

APPROVED AS TO FORM AND LEGALITY.

February 5 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

DATE : January 25, 1990

TO : PATRICIA NOLTE
Legal Assistant
Public Finance Division

FROM : TERRY P. O'BRIEN
Special Assistant
Attorney General

PHONE : 297-2040

SUBJECT : In the Matter of the Proposed Adoption of the Rule Amendment of the Board of Veterinary Medicine Relating to Annual Renewal Fees for Licensure, Minn. Rules pt. 9100.0500, subp. 2 (1989)

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1988) and Minn. Rules pt. 2010.0300 (1989), are the following documents to support the above-referenced rule amendment:

1. Certificate of Board's Authorizing Resolution;

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

3. Notice of Intent to Adopt Rules Without a Public Hearing (as mailed);

4. Statement of Need and Reasonableness;

5. Affidavit of Mailing the Notice of Intent to Adopt a Rule Amendment Without a Public Hearing;

6. Notice of Intent to Adopt a Rule Amendment Without a Public Hearing (as published in the State Register);

7. Rules as adopted (original and three copies);

8. Certificate of Board's Resolution Adopting Rules;

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

10. Declaration of Counsel.

The rules elicited neither a request for a hearing, a single comment or a request to be notified of Attorney General submission. Thank you.

TPO:sv

Enclosures

cc: Roland Olson, DVM

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of the Proposed Adoption of a Rule Amendment of the Board of Veterinary Medicine Relating to Annual Fees for Licensure Renewal, Minn. Rules pt. 9100.0500, subp. 2 (1989)

STATEMENT OF NEED AND REASONABLENESS

Minn. Stat. 156.01, subd. 3 (1988) authorizes the Minnesota Board of Veterinary Medicine (hereinafter "Board") to make, alter or amend such rules as may be necessary to carry into effect the provisions of chapter 156.

Minn. Stat. 214.06 provides in part that "health related licensing boards . . . shall by rule, with the approval of the commissioner of finance, adjust any fee which . . . the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128."

The proposed rule amendment would increase the annual licensure renewal fee from $30 to $40.

The Board has determined that this increase is necessary to offset the Board's increased expenses relative to operation.

The proposed rule amendment falls within two exemptions found in the small business statute: first, the exemption for agency rules that do not affect small businesses directly; and second, the exemption for service businesses regulated by government bodies for standards and costs. See Minn. Stat. 14.115, subd. 7(b) and (c), respectively.

The Board has reviewed the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small

businesses. The five suggested methods enumerated in subdivision 2 are as follows:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses for any or all requirements of the rule.

As part of its review, the Board considered the feasibility of implementing each of the five suggested methods, and considered whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking.

1. <u>It should not be feasible to incorporate any of the five suggested methods into these proposed rule amendments.</u>

Methods (a)-(c) of subdivision 2 relate to lessening compliance or reporting requirements for small businesses either by (a) establishing less stringent requirements, (b) establishing less stringent schedules or deadlines for compliance with the requirements, or (c) consolidating or simplifying the requirements. Since the Board is not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen with respect to small businesses. If, however, the proposed amendment is viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those veterinarians who practice in a solo or clinic setting of fewer than 50

employees, since that would include the vast majority of veterinarians. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The Board's amendment does not propose design or operational standards for businesses, and therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e) suggests exempting small businesses from any or all requirements of the rules. Under the Board's view that the proposed rule amendment does not in any way regulate the business operation of veterinarians, there are no rule requirements from which to exempt small businesses. However, if the proposed amendment is viewed as regulating businesses insofar as it regulates veterinarians, then it would hardly make sense for the Board to exempt from its rules those veterinarians who practice in a solo or clinic setting with fewer than 50 employees, since they constitute the vast majority of veterinarians. For all of these reasons, it is not feasible for the Board to incorporate into its proposed amendment any of the five methods specified in subdivision 2 of the small business statute.

2. Reducing the impact of the proposed amendment on small businesses would undermine the objectives of the Minnesota licensing law for veterinarians.

Pursuant to the Minnesota licensing law for veterinarians, Minn. Stat. 156.00 to 156.14, the Board was created for the purpose of establishing requirements for licensure and adopting a code of ethics governing appropriate practices or behavior for veterinarians. Pursuant to Minn. Stat. 156.01, subd. 1, the Board is specifically mandated to "adjust any fee which the Commissioner of Health or the Board is empowered to assess a sufficient amount so that total fees collected by each Board will as

closely as possible equal anticipated expenditures during the fiscal biennium . . ." Given these statutory mandates, it is the Board's duty to establish licensure qualifications and ethical standards which apply to and govern all applicants and licensees, regardless of the nature of their practice. As it has been stated above, it is the Board's position that the proposed amendment will not affect small businesses, and certainly does not have the potential for imposing a greater impact on veterinarians in a solo or small practice than on veterinarians practicing in a large business setting. It has also been explained above that the Board considers it infeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent that the proposed rule amendment may affect the business operation of a veterinarian or group of veterinarians, and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the Board believes it would be unwise and contrary to the purposes served by this rule for the Board to exempt one group of veterinarians - indeed, the majority of veterinarians - from the requirement of this rule.

The Board has determined that the increased licensure fee in the proposed rule amendment will not affect small businesses for the purposes of Minn. Stat. 14.115.

The Commissioner of Finance has approved the proposed rule amendment to increase licensure fees from $30 to $40.

Dated: July 7, 1989.

Roland C. Olson 1-24-90

ROLAND C. OLSON, DVM
Executive Director

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of the Proposed Adoption of a Rule Amendment of the Board of Veterinary Medicine Relating to Annual Fees for Licensure Renewal, Minn. Rules. pt. 9100.0500, subp. 2 (1989)

AFFIDAVIT OF PREPARING STATEMENT OF NEED AND REASONABLENESS

Roland C. Olson, being first duly sworn upon oath, deposes and says:

I hereby certify that the Statement of Need and Reasonableness in this matter was prepared, signed and available to the public on July 7, 1989. The original signed Statement has been misplaced.

Roland C. Olson

Subscribed and sworn to before me this 24th day of January, 1990.

NOTARY PUBLIC

LOIS KAUPPILA
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 28, 1992

1989 - rule change to raise fee to 40.00 in 90

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Veterinary License Renewal Fee

AGENCY: Board of Veterinary Medicine

MINNESOTA RULES: Chapter 9100

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Assistant Revisor

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Veterinary License Renewal Fees

Rules as Proposed

9100.0500 RENEWAL FEE.

Subpart 1. [Unchanged.]

Subp. 2. **Amount.** The annual fee for licensure renewal is ~~$30~~ $40 and must be paid to the executive ~~secretary~~ director of the board on or before March 1 of each year. By January 1 of the year for which the renewal fee is due, the board will issue a renewal application to each current licensee to the last address maintained in the board file. Failure to receive this notice does not relieve the licensee of the obligation to pay renewal fees in such a manner that they are received by the board on or before the renewal date of March 1.

Subp. 3 to 6. [Unchanged.]

Approved by Revisor

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Veterinary License Renewal Fees

Rules as Proposed

9100.0500 RENEWAL FEE.

Subpart 1. [Unchanged.]

Subp. 2. Amount. The annual fee for licensure renewal is ~~$30~~ $40 and must be paid to the executive ~~secretary~~ director of the board on or before March 1 of each year. By January 1 of the year for which the renewal fee is due, the board will issue a renewal application to each current licensee to the last address maintained in the board file. Failure to receive this notice does not relieve the licensee of the obligation to pay renewal fees in such a manner that they are received by the board on or before the renewal date of March 1.

Subp. 3 to 6. [Unchanged.]

Approved by Revisor

156.01 subd 1

There is hereby created a state board of veterinary consist of 2 public members, ,,,, setting of board fees shall be set up en chapter 214 and laws 1976, chapter 222, sections 2 to 7

156.03

upon filing the application and any other papers ... if satisfied shall issue applicant a fee

214.06

... Commissioner of health as authorized by section 214.13 all health-related licensing boards and all non-health related licensing boards shall by rule, with the approval of the commission of finance adjust any fee

,,, fee established must include an amount necessary to recover, over a five-year period, the commissions direct expenditures

Statement of need and reasonableness

orginal one was misplaced but Ronald Olson who signed the Statement submitted an affadavit indicating the Statement was available to the public on July 7, 1989

~~Notice of Hearing etc~~

180 deadline -
notice mailed out on 7-7-89
published on 11-14-89

end of comment period Dec 14 89
take the later of the mailing and publication dates
12-14-89 — 1-25-90 AG
on 2 covers?
Big gap between mailing and publication

Fees
Stated in Statement of need and Reasonable
that Comm. of Finance approved the fee - did not submit mems

Stated in Findings of Fact
that rules were sent to the chairs of the House Appropriations and Senate Finance

Since they are stated in the documents and the rules don't require submitting proof I think its O.K.
We have requested proof when they haven't been in the doc.

Besides changing fee from $30 to 40
they are also changing payment to executive secretary to director this is not addressed in Statement of need

Office of the Revisor of Statutes

Administrative Rules

Ron Ray
Assistant Revisor
296-0945

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

June 23, 1989

Roland C. Olson, DVM
Board of Veterinary Medicine
2700 University Avenue West #102
St. Paul, MN 55114

RE: File No. 1516

Dear Dr. Olson:

I am enclosing six copies of your rules, approved as to form. Please submit two copies to the State Register for publication.

If you have any questions, please call me.

Very truly yours,

Ron Ray

Ron Ray

CERTIFICATE OF THE

MINNESOTA BOARD OF VETERINARY MEDICINE

AUTHORIZING RESOLUTION

I, William Maher, DVM, do hereby certify that I am a member and the president of the Minnesota Board of Veterinary Medicine (hereinafter "Board"), 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 11th day of October, 1988, 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 Roland C. Olson, Executive Director of the Board of Veterinary Medicine, be and that he hereby is granted the authority and directed to sign an order of the Board directing that notice be given of the Board's intent to adopt without a public hearing rules governing annual renewals, to sign the notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, that he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as

well as perform any and all acts, incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13 <> day of Dec. <>.

William Maher DVM

WILLIAM MAHER, DVM
President

Attest by one other Board Member

3

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of the
Proposed Adoption of the
Rule Amendment of the
Board of Veterinary Medicine
Relating to Annual Fees For
Licensure Renewal Minn. Rules
pt. 9100.0500, subp. 2 (1987)

NOTICE OF INTENT TO
ADOPT A RULE AMENDMENT
WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Board of Veterinary Medicine (hereinafter "Board") intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1988). The statutory authority to adopt the rule amendment is Minn. Stat. §§ 156.01, subd. 1, 156.03 and 214.06 (1988).

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendment. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

(4) Any person may make a written request for a public hearing on the rule amendment within the 30-day comment period. (4) 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. (6) 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 amendment addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the Board will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1988).

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

Roland C. Olson, DVM
Executive Director
Minnesota Board of Veterinary Medicine
Suite 105
2700 University Avenue
St. Paul, Minnesota 55114
Telephone: (612) 642-0597

(8) The proposed rule amendment 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 rule amendment as noticed.

(11) A copy of the proposed rule amendment is attached to this notice.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule amendment and identifies the data and information relied upon to support the proposed rule amendment has been prepared and is available from Roland C. Olson upon request.

(14) 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 conclusion that Minn. Stat. § 14.115 does not apply to the proposed rule amendment.

(9) If no hearing is required, upon adoption of the rule amendment, the rule amendment 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 adopted rule amendment must submit the written request to Roland C. Olson.

Date: 7/7, 1989

ROLAND C. OLSON, DVM
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of the
Proposed Adoption of the
Rule Amendment of the
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Roland C. Olson, DVM
Executive Director
Minnesota Board of Veterinary Medicine
Suite 105
2700 University Avenue
St. Paul, Minnesota 55114
Telephone: (612) 642-0597

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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 adopted rule amendment must submit the written request to Roland C. Olson.

Date: 7/7, 1989

ROLAND C. OLSON, DVM
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of the Proposed Adoption of a Rule Amendment of the Board of Veterinary Medicine Relating to Annual Fees for Licensure Renewal, Minn. Rules pt. 9100.0500, subp. 2 (1989)

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Donna Carolus, being duly sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. § 14.22, that their names be placed on the Board of Veterinary Medicine rulemaking mailing list is accurate, complete, and current as of this 14 <> day of November, 1989.

That on the 14 <> day of November, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the United States mail, a copy

thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Donna Carolus

DONNA CAROLUS

Subscribed and sworn to before me this 14 day of November, 1989.

Arlayne J. Nelson

NOTARY PUBLIC

ARLAYNE J. NELSON
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES APRIL 13, 1993

cord#	NAME	ADDRESS	STREET	CITY	STATE	ZIP
1	POST Board		333 Sibley, Rm. 495	St. Paul	MN	55101
2	Brd. of Medical Examiners	2700 University Ave. W. #106		St. Paul	MN	55114
3	Board of Nursing	2700 Univ. Ave. W. #108		St. Paul	MN	55114
4	Board of Optometry	2700 Univ. Ave. W. #103		St. Paul	MN	55114
5	Board of Pharmacy	2700 Univ. Ave. W. #107		St. Paul	MN	55114
6	Office of Administrative Hrngs	5th Fl. Flour Exchange Bldg.	310 4th Ave. South	Minneapolis	MN	55415
7	Antitrust Division	Attorney General's Office	117 University, 2nd Floor	St. Paul	MN	55155
8	Maryann V. Hruby	LCRAR	State Office Bldg. Rm. 55	St. Paul	MN	55155
9	Executive Director	Higher Education Coord. Brd.	Capitol Square Bldg. #400	St. Paul	MN	55101
10	Managing Editor	Bulletin Publishing Corp.	7163 E. Point Douglas Rd.	Cottage Grove	MN	55016
11	Bob Franklin, City Editor	Star Tribune	425 Portland Ave.	Minneapolis	MN	55488
12	Phillips Legislative Service		459 Rice Street	St. Paul	MN	55103
13	Peter S. Popovich	Peterson Popovich Knutson Flyn	314 Minnesota Building	St. Paul	MN	55101
14	Jean Dawson, Editor	MN Government Report	B-12 Capitol Bldg.	St. Paul	MN	55155
15	G. R. Gelo, DVM	Route 6		Decorah	IA	52101

A statement that describes the need for and reasonableness of each provision of the proposed amendments is available from the Department of Natural Resources upon request.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments 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 amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* chapter 10A requires a lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 11 defines a lobbyist 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 his 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 his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative 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.

Joseph N. Alexander
Commissioner of Natural Resources

Rules as Proposed

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

Local governments shall comply with part 6120.3900, subpart 6, in administration of their shoreland management controls.

Local governments shall adopt shoreland management controls conforming to the North Shore Management Plan within 18 months of the effective date of this part.

Subp. 2. and 3. [Unchanged.]

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Veterinary License Renewal Fees

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Veterinary Medicine (hereinafter "Board"), intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The statutory authority to adopt the rule amendment is *Minnesota Statutes* §§ 156.01, subd. 1, 156.03 and 214.06 (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change 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.

Any person may make a written request for a public hearing on the rule amendment 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 requests 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 amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

Roland C. Olson, DVM
Executive Director
Minnesota Board of Veterinary Medicine
Suite 105
2700 University Avenue
St. Paul, Minnesota 55114
Telephone: (612) 642-0597

The proposed rule amendment 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 rule amendment as noticed.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule amendment and identifies the data and information relied upon to support the proposed rule amendment has been prepared and is available from Roland C. Olson upon request.

Minnesota Statutes § 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 conclusion that *Minnesota Statutes*, § 14.115 does not apply to the proposed rule amendment.

If no hearing is required, upon adoption of the rule amendment, the rule amendment 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 adopted rule amendment must submit the written request to Roland C. Olson.

Dated: 7 July 1989

Roland C. Olson, DVM
Executive Director

Rules as Proposed

9100.0500 RENEWAL FEE.

Subpart 1. [Unchanged.]

Subp. 2. **Amount.** The annual fee for licensure renewal is ~~$30~~ $40 and must be paid to the executive ~~secretary~~ director of the board on or before March 1 of each year. By January 1 of the year for which the renewal fee is due, the board will issue a renewal application to each current licensee to the last address maintained in the board file. Failure to receive this notice does not relieve the licensee of the obligation to pay renewal fees in such a manner that they are received by the board on or before the renewal date of March 1.

Subp. 3 to 6. [Unchanged.]

Office of the Revisor of Statutes
Administrative Rules

Ron Ray
Assistant Revisor
296-0945

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

January 4, 1990

Roland C. Olson, DVM
Board of Veterinary Medicine
2700 University Avenue West #102
St. Paul, MN 55114

RECEIVED
JAN 8 1990
Board of
Vet. Med.

RE: File No. 1516

Dear Dr. Olson:

Enclosed are five stripped copies of your proposed rules as published in the State Register. The copies show the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

Your rules were adopted without public hearing and you must send four copies of the document to the Attorney General for final approval, the fifth copy is for your file. If these rules are to be modified, please use a copy to indicate the modifications you wish to make. Our office will then input the changes and approve the document as to form.

Very truly yours,

Ron Ray

Ron Ray

Rules as Adopted

9100.0500 RENEWAL FEE.

Subpart 1. [Unchanged.]

Subpart 2. **Amount.** The annual fee for licensure renewal is ~~$30~~ $40 and must be paid to the executive ~~secretary~~ director of the board on or before March 1 of each year. By January 1 of the year for which the renewal fee is due, the board will issue a renewal application to each current licensee to the last address maintained in the board file. Failure to receive this notice does not relieve the licensee of the obligation to pay renewal fees in such a manner that they are received by the board on or before the renewal date of March 1.

Subp. 3 to 6. [Unchanged.]

CERTIFICATE OF THE

BOARD OF VETERINARY MEDICINE

RESOLUTION ADOPTING RULE AMENDMENT

I, William Maher, DVM, do hereby certify that I am a member and the president of the Minnesota Board of Veterinary Medicine (hereinafter "Board"), 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 21st day of December, 1989, 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 the rule amendment relating to annual fees for licensure renewal is approved and adopted pursuant to authority vested in the Board by Minn. Stat. §§ 156.01, subd. 1 and 214.06 (1988). Roland C. Olson, Executive Director of the Board, is authorized to sign the findings of fact, conclusions and order adopting the rule amendment and further is authorized to modify the rule amendment if necessary to obtain the approval of the rules by the Attorney General and to perform the necessary acts to provide that the rule

amendment shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this day of Dec 27, 1989.

William F. Maher DVM
WILLIAM MAHER, DVM
President

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of the
Proposed Adoption of a
Rule Amendment of the
Board of Veterinary Medicine
Relating to Annual Fees for
Licensure Renewal, Minn. Rules
pt. 9100.0500, subp. 2 (1989)

DECLARATION OF COUNSEL

I, Terry P. O'Brien, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0487.

Dated: 24 Jan, 1990

TERRY P. O'BRIEN
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of the Proposed Adoption of a Rule Amendment of the Board of Veterinary Medicine Relating to Annual Fees for Licensure Renewal, Minn. Rules pt. 9100.0500, subp. 2 (1989)

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

(1) Notice of the Board of Veterinary Medicine (hereinafter "Board") intent to adopt the above-entitled rules was published in the State Register on July 24, 1989, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. 14.22 on November 14, 1989. (2) The statement of need and reasonableness was prepared before the Notice of Intent to Adopt Rules Without a Public Hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. (3) Before the notice was submitted to the State Register, a copy of the Notice of Intent to Adopt Rules Without a Public Hearing and the proposed rules were sent to the chairs of the House Appropriations Committee and Senate Finance Committee.

(4) All persons were given the opportunity to submit comment on the rules for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rules were received by the Board.

(7) No submissions or comments on the rules were received by the Board. No requests for notice of submission to the Attorney General were received by the Board.

Based on the comments and 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 rules are both needed and reasonable.

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule amendment identified as relating to annual fees for licensure renewal, Minn. Rules pt. 9100.0500, subp. 2 (1989) are adopted this 3rd day of January, 1990, pursuant to authority vested in the Board by Minn. Stat. 156.01, subd. 1 and 214.06 (1988).

Roland C. Olson DVM

ROLAND C. OLSON, DVM
Executive Director