

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: January 31, 1991

TO: JOHN LENNES
Commissioner
Labor & Industry

FROM: CHARLENE HATCHER
Special Assistant
Attorney General

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Targeted Industry Fund; Loggers

The above-referenced rule has been approved as to its legality by the Attorney General on January 22, 1991.

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:sc

cc: Jon Murphy
William Brown, Chief Judge
MaryAnn Hruby

Charlene they would like this if we can get it done early. Note my notes

CH

RULE REVIEW CHECKLIST

File No. 1782
DATE RECEIVED 1-15-91
REVIEW DATE 1/24/91
DUE DATE 1/29/91
(DIS)APPROVED 1-29/91
WITHDRAWN

Docket No. 05.0009.0611
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 1/16/91
REVISOR (DIS)APPROVED 1-22-91
FILED W/SEC. OF STATE 1-30-91
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
5-21-90 Date published in State Register
Comments

Petition for Adoption of a Rule

Board's Authorizing Resolution
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
176.83 175.17 Statutory Authority
NA Small Business Statement
NA Expenditure of public money statement
11-27-90 Signature

✓ Statement of Need and Reasonableness (if applicable)
Small Business Statement
Fees - § 16A.128 Set by statute

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
12-10-90 Dated 30/25 days before adoption 12-13-90
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
12-10-90 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ See my notes Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

Resolution Adopting
Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
January 10, 1991 Date

NO Comments Written Requests, Submissions or Comments

Declaration of Attorney
Jon Murphy Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Department of Labor and Industry

Adopted Permanent Rules Relating to Targeted Industry Fund; Loggers

Rules as Adopted

5222.3000 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 5222.3000 to 5222.3007, the following terms have the meanings given them.

Subp. 2. **Full-time logger.** "Full-time logger" means a logger who is employed for at least 100 hours in each of three different months during a calendar year.

Subp. 3. **Logger.** "Logger" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 1, paragraph (b).

Subp. 4. **Purchaser.** "Purchaser" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 3.

Subp. 5. **Qualified employer.** "Qualified employer" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 1, paragraph (f).

Subp. 6. **Woodmill.** "Woodmill" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 1, paragraph (d).

5222.3001 AUTHORITY AND PURPOSE.

Parts 5222.3000 to 5222.3007 are adopted pursuant to the authority granted to the commissioner by Minnesota Statutes, sections 176.17, 176.83, and 176.130. The purpose of parts 5222.3000 to 5222.3007 is to specify the procedures by which woodmills and qualified employers report to the commissioner for the purpose of administering and implementing the provisions of Minnesota Statutes, section 176.130.

5222.3002 ANNUAL REPORTING BY WOODMILL.

Subpart 1. **Content of report.** Each woodmill shall make an annual report, as provided in Minnesota Statutes, section

Approved by Revisor

176.130, subdivision 5, paragraph (a), on a form prescribed by the commissioner, including the following:

A. name and address of woodmill;

B. federal and state employer identification numbers of woodmill;

C. reporting period dates;

D. total number of cords purchased or acquired in the preceding calendar year per species of wood;

E. supporting documentation or other information requested by the commissioner; and

F. payment of assessment as provided in Minnesota Statutes, section 176.130, subdivision 4.

Subp. 2. **Conversion formulas.** For purposes of reporting under subpart 1, item E, where the woodmill uses a measurement other than by cord, the following conversion formulas shall apply:

A. 4,500 pounds of cut logs or tree-length timber equals one cord;

B. 500 board feet of saw logs or bolts equals one cord; and

C. 6,000 pounds of whole tree chips equals one cord.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting or payment requirements.

Subp. 4. **Extensions.** Requests by woodmills for extension of the time for reporting and making payment will be granted within seven days of receipt by the commissioner, only in rare cases where:

A. the request is made in writing;

B. the request is received by the commissioner before the reporting due date;

C. the request is based on circumstances beyond the control of the woodmill; and

D. the commissioner determines the extension period is reasonable.

Approved
by Revisor _____

5222.3003 FAILURE TO MAKE PAYMENT OF ASSESSMENT; PENALTY.

Subpart 1. **Due date.** The due date for payment of the annual assessment by a woodmill is February 15 for the previous calendar year.

Subp. 2. **Basis.** A penalty will be assessed under Minnesota Statutes, section 176.129, subdivision 10, where, on or before the due date, either:

A. the payment of the assessment is not received by the commissioner; or

B. a request for extension is not approved.

Subp. 3. **Amount.** Within 60 days of the due date the commissioner will give notice of penalty to woodmills who have not made, without an approved extension, timely and full payment of the assessment. The amount of the penalty shall be either:

A. (1) five percent of the assessment payments due, if received by the commissioner late but not more than ten days after the due date;

(2) ten percent of the assessment payments due, if received by the commissioner within 11 to 29 days after the due date; or

(3) 15 percent of the assessment payments due, if payment is not made within 30 days of the due date; or

B. $500, whichever is greater.

Subp. 4. **Payment to.** Both the assessment payment and any penalty due under this part and part 5222.3004 are payable to the special compensation fund.

5222.3004 FALSE REPORTING BY WOODMILL.

Pursuant to Minnesota Statutes, section 176.130, subdivision 9, any woodmill that makes a false report for the purposes of evading payment of the assessment, or any part of it, shall be penalized in an amount equal to 50 percent of the assessment due. For purposes of this penalty "false report" includes, but is not limited to, a failure to file the report by the due date. If a woodmill fails to file within 30 days of a request by the department, the failure to file will be presumed

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by Revisor _____

to be for the purpose of evading payment of the assessment.

5222.3005 PROOF OF COVERAGE.

Subpart 1. **Generally.** Purchasers of wood from the logging industry must, pursuant to Minnesota Statutes, section 176.130, subdivision 3, obtain from the logger, and submit to the special compensation fund, within 14 days of receipt of the information by the purchaser, certification of compliance with the mandatory insurance requirement of Minnesota Statutes, chapter 176.

Subp. 2. **Obtaining proof.** Certification of coverage shall be obtained by the purchaser, on a form prescribed by the commissioner, when the purchaser and the logger enter into a contract for the purchase of wood.

5222.3006 ANNUAL REPORTING BY QUALIFIED EMPLOYER.

Subpart 1. **Content of report.** Each qualified employer shall make an annual report, as provided in Minnesota Statutes, section 176.130, subdivision 5, paragraph (b), on a form prescribed by the commissioner containing the following information:

A. name and address of qualified employer;

B. Social Security number and federal and state employer identification numbers of qualified employer;

C. reporting period dates;

D. total amount of payroll dollars paid to loggers;

E. name and address or workers' compensation insurer;

F. proof of premium dollars paid for loggers, which may include copies of canceled checks or receipts from insurers;

G. certification of attendance, for each full-time logger, at a safety seminar established or approved by the commissioner; and

H. supporting documentation or other information requested by the commissioner.

Subp. 2. **No extensions.** An employer must satisfy the requirements of Minnesota Statutes, section 176.130, subdivision 1, paragraph (f) in order to be categorized as a qualified employer. A qualified employer must report timely and fully

Approved
by Revisor _____

under this part and Minnesota Statutes, section 176.130, subdivision 5, paragraph (b), to be eligible for any rebate. No extensions are allowed pursuant to Minnesota Statutes, section 176.130, subdivision 6.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting requirements.

5222.3007 ESTABLISHMENT OR APPROVAL OF SAFETY PROGRAM.

Subpart 1. **Safety program required.** The commissioner shall establish or approve a safety program under subpart 2 or 3.

Subp. 2. **Establishment.** The commissioner may establish a mandatory safety program including any of the following:

A. safety seminars;

B. educational publications or video presentations;

C. on-site consultations; or

D. testing of safety equipment.

~~Subp. 2.~~ Subp. 3. **Approval.** The commissioner may approve privately sponsored safety programs or seminars based on the following criteria:

A. cost of program;

B. specificity of subject matter to industry concerns;

C. availability of program in terms of locations and number of seminars;

D. expertise of program sponsor; and

E. recommendations of Minnesota Occupational Safety and Health Administration consultation unit.

Approved
by Revisor _____

APPROVED AS TO LEGALITY

January 29, 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatch
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 30 1991

Joan Anderson Growe
Secretary of State

3:30 P.M.

M

Minnesota
Department of Labor and Industry

443 Lafayette Road
St. Paul, Minnesota 55155
(612) 296-6107

Telecommunication Device
for the Deaf (612) 297-4198

FAX (612) 297-1329

FAX #: 7-2576

DATE: 1-28-91

TIME: 4:10

TO: PATTI NOLTE

FROM: Gary Hall

COMMENTS: Amended Findings of Fact — Logger Rules

Number of pages including this cover page: 2

If you do not receive all the pages,

please notify us immediately at (612) 296-6588.

Stat. Authority 176.83
... the commissioner may adopt amend or repeal rules to implement the provisions of this chapter

Stat auth. 175.17
The commissioner shall adopt reasonable and proper rules governing rules of practice

fees - 5222.3003 sub 3, B.
is established under 176.129 subd 10
16A.128 doesn't apply to fees already established by statute

5222.3007
subpart 1 commissioner may

178.130 subd. 11
The Comm'r shall estab. or approve a safety + education program for MN loggers. ...

subpart 2 commissioner may

I think this language should be changed.

180 deadline
one cite says may the other says shall - not new material - looked it

- -

up in the rules - O.K

Minnesota
Department of Labor and Industry

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FAX (612) 297-1329

January 14, 1991

Patti Nolte, Legal Assistant
Public Finance Division
Office of the Attorney General
525 Park Street, Suite 500
St. Paul, Minnesota 55103

Dear Ms. Nolte:

I have enclosed the rulemaking documents relating to our proposed rules governing the Targeted Industry Fund for loggers for your review. If there are any questions, please let me know.

Sincerely,

Gary Hall
Compensation Attorney

GH/cm

Enclosure

Celebrate MINNESOTA 1990

An Equal Opportunity Employer

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JAN 14 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

Department of Labor and Industry

Adopted Permanent Rules Relating to Targeted Industry Fund; Loggers

Rules as Adopted

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B. $500, whichever is greater.

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Pursuant to Minnesota Statutes, section 176.130, subdivision 9, any woodmill that makes a false report for the purposes of evading payment of the assessment, or any part of it, shall be penalized in an amount equal to 50 percent of the assessment due. For purposes of this penalty "false report" includes, but is not limited to, a failure to file the report by the due date. If a woodmill fails to file within 30 days of a request by the department, the failure to file will be presumed

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B. Social Security number and federal and state employer identification numbers of qualified employer;

C. reporting period dates;

D. total amount of payroll dollars paid to loggers;

E. name and address or workers' compensation insurer;

F. proof of premium dollars paid for loggers, which may include copies of canceled checks or receipts from insurers;

G. certification of attendance, for each full-time logger, at a safety seminar established or approved by the commissioner; and

H. supporting documentation or other information requested by the commissioner.

Subp. 2. **No extensions.** An employer must satisfy the requirements of Minnesota Statutes, section 176.130, subdivision 1, paragraph (f) in order to be categorized as a qualified employer. A qualified employer must report timely and fully

under this part and Minnesota Statutes, section 176.130, subdivision 5, paragraph (b), to be eligible for any rebate. No extensions are allowed pursuant to Minnesota Statutes, section 176.130, subdivision 6.

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A. cost of program;

B. specificity of subject matter to industry concerns;

C. availability of program in terms of locations and number of seminars;

D. expertise of program sponsor; and

E. recommendations of Minnesota Occupational Safety and Health Administration consultation unit.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Targeted Industry Fund; Loggers

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5222

The attached rules are approved for filing with the Secretary of State

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry, Workers' Compensation Division, Governing the Targeted Industry Fund for Loggers

DECLARATION OF COUNSEL

I, Jon K Murphy, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0611.

Special Assistant Attorney General

Dated: 1/14/91

RECEIVED

JAN 14 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA
Department of Labor and Industry
Workers' Compensation Division
443 Lafayette Road
St. Paul, Minnesota 55155-4319

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Workers' Compensation Division, of Rules Governing the Targeted Industry Fund for Loggers

STATEMENT OF NEED AND REASONABLENESS

Introduction

The primary purpose of these Rules is to specify the procedures and reporting requirements necessary to implement the provisions of Minn. Stat. § 176.130. Much of the proposed Rule is simply a restatement of the statutory requirements with some clarifications.

Minn. Stat. § 176.130 is a recently passed Statute designed to provide some relief for the high workers' compensation rates paid by loggers, while at the same time encouraging on the job safety and compliance with the mandatory insurance provisions of section 176.181. To accomplish these goals section 176.130 requires a number of things. First, it requires payment of an assessment, by large woodmills, based upon the amount of wood purchased from loggers. Second, it provides for some of the money collected to be used for logger safety programs and the rest distributed to qualified employers in proportion to the amount of payroll dollars upon which each employer's workers' compensation premiums are calculated. Third, it requires purchasers of wood from loggers to verify workers' compensation coverage for those loggers at the time of purchase. Finally, the Statute requires participation by loggers in safety programs as a condition for the rebate.

The proposed Rules add some additional clarification and detail to an otherwise unusually detailed Statute. Generally, where the Statute provides for reporting and payment by the woodmills, the Rules specify reporting procedures and the information required. Where the Statute requires distribution of the rebate to qualified employers, the Rules specify the information required to determine whether an employer is "qualified". Where the Statute requires verification of insurance coverage, the Rules specify how and when the verification is obtained and then reported to the Commissioner. Finally, where the Statute provides for the establishment or approval of safety programs, the Rules provide for criteria for establishment or approval.

Overall, the Statute contains most of the detail necessary for implementation of the law, the Rules simply add some additional clarification and direction.

Minn. Rules Part 5222.3000 Definitions. This Part sets out and identifies several terms already defined by the Statute with one addition. **Subpart 2** defines the term "full-time logger" as used in Part 5222.3006. The definition was necessary because Minn. Stat. § 176.130, subd. 1(f) requires logger employees to attend a safety program each year in order to qualify the logger employer for a rebate. Given the sporadic and seasonal nature of logger employment it was necessary to choose a minimum level of employment which would invoke the safety program requirement.

Minn. Rules Part 5222.3001 Authority and Purpose. This Part identifies the rulemaking authority and acts to identify the general purposes for promulgating these Rules. Those purposes include specification of reporting procedures required by the Statute in order to aid the administration of section 176.130.

Minn. Rules Part 5222.3002 Annual Reporting by Woodmill. Minn. Stat. § 176.130, subd. 5(a) requires each woodmill to make an annual report to the Commissioner regarding the number of cords of wood purchased in the preceding calendar year and "... other information the Commissioner may require for the proper administration of this section". **Subpart 1** of this Part simply requires that the annual report include some additional information necessary for enforcement and auditing purposes as well as payment of the assessment required by the Statute. **Subpart 2** provides formulas for converting alternative measures of wood into a measurement based upon cords. The conversion formulas were necessary to insure uniformity and accountability among woodmills despite a variety of measurements currently in use. The equivalent measures were recommended by the Minnesota Timber Producers Association. **Subpart 3** clarifies that reports which do not satisfy the requirements of the Rule or are not complete do not satisfy the reporting or payment requirements so as to avoid imposition of penalties. This provision is necessary to avoid the possibility of noncompliance with reporting requirements with regard to a particular piece of data. **Subpart 4** sets out very limited criteria for allowing a woodmill an extension of time for reporting and making payment. It is necessary to restrict extensions to only rare cases because the statutory timeframe for the rebate program, together with the statutorily built-in need for all woodmill assessments to be reported and paid before the rebate can be calculated or paid, make the whole program dependent upon timely compliance by all parties

Minn. Rules Part 5222.3003 Failure to Make Payment of Assessment; Penalty. This Part sets out when and how the penalty, provided for in Minn. Stat. § 176.130, subd. 8 and Minn. Stat. § 176.129, subd. 10, will be assessed. **Subpart 1** restates the statutory due date for the annual assessment from the woodmill. **Subpart 2** clarifies that the penalty, provided for by the Statute, will be assessed if payment of the assessment is untimely and an extension has not been approved. **Subpart 3** provides for notice of the penalty to the woodmill and a graduated scale of penalties based on lateness of payment. The graduated scale was modeled after an existing rule (Minn. Rules Part 5220.2840) which also implements Minn. Stat. § 176.129, subd. 10. **Subpart 4** provides for payment of any penalties to the Special Compensation Fund which administers the program.

Minn. Rules Part 5222.3004 False Reporting By Woodmill. This Part restates the statutory penalty for false reporting by a woodmill. It is restated in the rule for two reasons. First, it is a reminder of the importance of timely, accurate reporting to the whole program. Second, it clarifies that "false report", as used in the Statute includes failure to file a timely report. The penalty provision, however, only applies if the false report was filed "for the purpose of evading payment of the assessment". The Rule also provides a presumption that the failure to file is for the purpose of evading payment if a woodmill fails to file within 30 days of a request by the Department.

Minn. Rules Part 5222.3005 Proof of Coverage. This Part restates the statutory requirement that purchasers of wood from the logging industry obtain proof of insurance from the loggers from whom they are purchasing wood. Although the Statute, Minn. Stat. § 176.130, subd. 3, requires the purchaser to submit such proof to the Commissioner upon request, the Rule provides for automatic submission within fourteen days of receipt of the proof. This avoids the necessity for each purchaser to keep permanent records for each logger in anticipation of some future request by the Commissioner. Because the purchaser becomes a purchaser upon entering a contract for sale, the Rule sets that point in time as the point at which the purchaser is obligated to collect proof of insurance on a form prescribed by the Commissioner.

Minn. Rules Part 5220.3006 Annual Reporting By Qualified Employer. This Part sets out reporting requirements for qualified employers (as defined in Minn. Stat. § 176.130, subd. 1(f)). To be eligible for a rebate under this program, a qualified employer is required to make an annual report to the Commissioner on or before February 15th each year. **Subpart 1** requires that the report contain information necessary for enforcement and audit purposes. The information requested on the report will allow the Department to assure compliance with the statutory requirements and allocate rebates only to employers who are qualified. **Subparts 2 and 3** reflect the statutory mandate, as provided in the last sentence of Section 176.130, subd. 6, that only those employers who report timely and fully are eligible for the rebate. Again, the calculation of the rebate is dependent upon the number of qualified employers and the amount collected from woodmills. It is very important that there be a strict cut-off of eligibility based upon timelines and completeness of reporting. Under the Statute and this Rule, the consequence to a qualified employer of an untimely or incomplete report is ineligibility for the rebate.

Minn. Rules Part 5222.3007 Establishment Or Approval Of Safety Program. This Part sets out the statutory requirement that the Commissioner establish or approve a safety program for loggers. Participation by all full-time loggers at a safety program under this Part is necessary for the employer of those loggers to qualify for the rebate. Subpart 1 allows the Commissioner to establish a mandatory program and provides certain criteria for those programs. **Subpart 2** allows the Commissioner to approve privately sponsored programs and provides certain criteria for consideration when making the decision to approve or disapprove.

Impact on Small Business

The proposed Rule will apply to loggers, many of which are small businesses as defined in Section 14.115, and to woodmills which purchase more than 5,000 cords of wood in a calendar year, most of which are not small businesses as so defined. The Rule also applies to any purchaser of wood from loggers (for verification of insurance coverage) some of whom may be small businesses as defined above. However, the major impact on any small business is a result of the Statute rather than this proposed Rule. The Statute's primary impact on small business is positive - a rebate. Nevertheless, the Department has considered the potential for impact on small business as a result of the proposed Rules and reduced or eliminated any unnecessary burdens. The Rule, as proposed, is the minimum required to implement Section 176.130.

Fiscal Impact on Local Public Bodies

The Commissioner has considered the fiscal impact of the adoption of these Rules on local public bodies pursuant to section 14.11, subd. 1 (1988), and has found none. No additional financial burdens are placed on local public bodies as the proposed Rules will not affect the expenditure of public monies by local public bodies.

RECEIVED

JAN 14 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry, Workers' Compensation Division, Governing the Targeted Industry Fund for Loggers under Minnesota Statutes Section 176.130.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Department of Labor and Industry intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes Sections 176.83 and 175.17 which permit the agency to adopt rules and prescribe forms necessary to implement the provisions of Minnesota Statutes Chapter 176.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Public comment is encouraged. (3) Each comment should identify the portion of the proposed rule 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. (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 addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Gary Hall, Compensation Attorney
Department of Labor and Industry
Third floor, 443 Lafayette Road
St. Paul, MN 55155-4301
(612) 296-6588

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

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

A free copy of the rule is available upon request from Gary Hall at the above address.

(12) **A Statement of Need and Reasonableness** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Gary Hall at the above address upon request.

(14) The adoption of the proposed rule has no negative impact on small business. The rule simply provides minimal procedural requirements for those businesses which choose to apply for the statutory rebate.

(13) Additionally, the rules do not require the expenditure of public monies by local public bodies and thus have no fiscal impact.

(9) If no hearing is required, upon adoption of the rule, the rule 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, must submit the written request to Gary Hall at the above address.

11/27/90
Date

Ken Peterson, Commissioner
Department of Labor and Industry

RECEIVED

JAN 14 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry, Workers' Compensation Division, Governing the Targeted Industry Fund for Loggers

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on December 10, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on December 10, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

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

(7) No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, including the Statement of Need and Reasonableness, I find the following:

1. That the Department has complied with all procedural requirements of law or rule adopting the proposed rule.

2. That the Department has acted within its statutory authority in adopting these proposed rules.

3. (8) That the above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules Parts 5222.3000 to 5222.3007 is adopted this 10th day of January, 1991, pursuant to authority vested in me by Minnesota Statutes, sections 175.17 and 176.83.

Ann Clayton

Commissioner

Department of Labor and Industry

Proposed Permanent Rules Relating to Targeted Industry Fund; Loggers

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* Sections 176.83 and 175.17 which permit the agency to adopt rules and prescribe forms necessary to implement the provisions of *Minnesota Statutes* Chapter 176.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Public comment is encouraged. Each comment should identify the portion of the proposed rule 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 agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Gary Hall, Compensation Attorney
Department of Labor and Industry
Third floor, 443 Lafayette Road
St. Paul, MN 55155-4301
(612) 296-6588

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

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

A free copy of the rule is available upon request from Gary Hall at the above address.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Gary Hall at the above address upon request.

The adoption of the proposed rule has no negative impact on small business. The rule simply provides minimal procedural requirements for those businesses which choose to apply for the statutory rebate.

Additionally, the rules do not require the expenditure of public monies by local public bodies and thus have no fiscal impact.

If no hearing is required, upon adoption of the rule, the rule 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, must submit the written request to Gary Hall at the above address.

Dated: 27 November 1990

Ken Peterson, Commissioner
Department of Labor and Industry

Rules as Proposed (all new material)

5222.3000 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 5222.3000 to 5222.3007, the following terms have the meanings given them.

Subp. 2. **Full-time logger.** "Full-time logger" means a logger who is employed for at least 100 hours in each of three different months during a calendar year.

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.

Subp. 3. **Logger.** "Logger" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (b).

Subp. 4. **Purchaser.** "Purchaser" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 3.

Subp. 5. **Qualified employer.** "Qualified employer" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (f).

Subp. 6. **Woodmill.** "Woodmill" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (d).

5222.3001 AUTHORITY AND PURPOSE.

Parts 5222.3000 to 5222.3007 are adopted pursuant to the authority granted to the commissioner by *Minnesota Statutes*, sections 176.17, 176.83, and 176.130. The purpose of parts 5222.3000 to 5222.3007 is to specify the procedures by which woodmills and qualified employers report to the commissioner for the purpose of administering and implementing the provisions of *Minnesota Statutes*, section 176.130.

5222.3002 ANNUAL REPORTING BY WOODMILL.

Subpart 1. **Content of report.** Each woodmill shall make an annual report, as provided in *Minnesota Statutes*, section 176.130, subdivision 5, paragraph (a), on a form prescribed by the commissioner, including the following:

A. name and address of woodmill;

B. federal and state employer identification numbers of woodmill;

C. reporting period dates;

D. total number of cords purchased or acquired in the preceding calendar year per species of wood;

E. supporting documentation or other information requested by the commissioner; and

F. payment of assessment as provided in *Minnesota Statutes*, section 176.130, subdivision 4.

Subp. 2. **Conversion formulas.** For purposes of reporting under subpart 1, item E, where the woodmill uses a measurement other than by cord, the following conversion formulas shall apply:

A. 4,500 pounds of cut logs or tree-length timber equals one cord;

B. 500 board feet of saw logs or bolts equals one cord; and

C. 6,000 pounds of whole tree chips equals one cord.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting or payment requirements.

Subp. 4. **Extensions.** Requests by woodmills for extension of the time for reporting and making payment will be granted within seven days of receipt by the commissioner, only in rare cases where:

A. the request is made in writing;

B. the request is received by the commissioner before the reporting due date;

C. the request is based on circumstances beyond the control of the woodmill; and

D. the commissioner determines the extension period is reasonable.

5222.3003 FAILURE TO MAKE PAYMENT OF ASSESSMENT; PENALTY.

Subpart 1. **Due date.** The due date for payment of the annual assessment by a woodmill is February 15 for the previous calendar year.

Subp. 2. **Basis.** A penalty will be assessed under *Minnesota Statutes*, section 176.129, subdivision 10, where, on or before the due date, either:

A. the payment of the assessment is not received by the commissioner; or

B. a request for extension is not approved.

Subp. 3. **Amount.** Within 60 days of the due date the commissioner will give notice of penalty to woodmills who have not made, without an approved extension, timely and full payment of the assessment. The amount of the penalty shall be either:

A. (1) five percent of the assessment payments due, if received by the commissioner late but not more than ten days after the due date;

(2) ten percent of the assessment payments due, if received by the commissioner within 11 to 29 days after the due date; or

(3) 15 percent of the assessment payments due, if payment is not made within 30 days of the due date; or

B. $500, whichever is greater.

Subp. 4. **Payment to.** Both the assessment payment and any penalty due under this part and part 5222.3004 are payable to the special compensation fund.

5222.3004 FALSE REPORTING BY WOODMILL.

Pursuant to *Minnesota Statutes*, section 176.130, subdivision 9, any woodmill that makes a false report for the purposes of evading payment of the assessment, or any part of it, shall be penalized in an amount equal to 50 percent of the assessment due. For purposes of this penalty "false report" includes, but is not limited to, a failure to file the report by the due date. If a woodmill fails to file within 30 days of a request by the department, the failure to file will be presumed to be for the purpose of evading payment of the assessment.

5222.3005 PROOF OF COVERAGE.

Subpart 1. **Generally.** Purchasers of wood from the logging industry must, pursuant to *Minnesota Statutes*, section 176.130, subdivision 3, obtain from the logger, and submit to the special compensation fund, within 14 days of receipt of the information by the purchaser, certification of compliance with the mandatory insurance requirement of *Minnesota Statutes*, chapter 176.

Subp. 2. **Obtaining proof.** Certification of coverage shall be obtained by the purchaser, on a form prescribed by the commissioner, when the purchaser and the logger enter into a contract for the purchase of wood.

5222.3006 ANNUAL REPORTING BY QUALIFIED EMPLOYER.

Subpart 1. **Content of report.** Each qualified employer shall make an annual report, as provided in *Minnesota Statutes*, section 176.130, subdivision 5, paragraph (b), on a form prescribed by the commissioner containing the following information:

A. name and address of qualified employer;

B. Social Security number and federal and state employer identification numbers of qualified employer;

C. reporting period dates;

D. total amount of payroll dollars paid to loggers;

E. name and address or workers' compensation insurer;

F. proof of premium dollars paid for loggers, which may include copies of canceled checks or receipts from insurers;

G. certification of attendance, for each full-time logger, at a safety seminar established or approved by the commissioner; and

H. supporting documentation or other information requested by the commissioner.

Subp. 2. **No extensions.** An employer must satisfy the requirements of *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (f) in order to be categorized as a qualified employer. A qualified employer must report timely and fully under this part and *Minnesota Statutes*, section 176.130, subdivision 5, paragraph (b), to be eligible for any rebate. No extensions are allowed pursuant to *Minnesota Statutes*, section 176.130, subdivision 6.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting requirements.

5222.3007 ESTABLISHMENT OR APPROVAL OF SAFETY PROGRAM.

Subpart 1. **Establishment.** The commissioner may establish a mandatory safety program including any of the following:

A. safety seminars;

B. educational publications or video presentations;

C. on-site consultations; or

D. testing of safety equipment.

Subp. 2. **Approval.** The commissioner may approve privately sponsored safety programs or seminars based on the following criteria:

A. cost of program;

B. specificity of subject matter to industry concerns;

C. availability of program in terms of locations and number of seminars;

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.

D. expertise of program sponsor; and

E. recommendations of Minnesota Occupational Safety and Health Administration consultation unit.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Arbitrations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Bureau of Mediation Service intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 179A.04, subdivision 3 (f).

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

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 agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Paul W. Goldberg, Commissioner
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5421

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

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108.

You are hereby advised pursuant to *Minnesota Statutes*, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

If no hearing is required, upon adoption of the rule, the rule 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, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108.

Dated: 10 December 1990

Paul W. Goldberg
Commissioner

Rules as Proposed

5510.0510 LIMITATION ON FILING PETITION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Arbitration bar.** If there is an exclusive representative ~~and a labor contract,~~ and impasse in ~~the~~ negotiation of a ~~successor~~ contract has been certified for arbitration under *Minnesota Statutes*, section 179A.16, subdivision 1 or 2, a petition raising a question of representation or decertification shall not be considered following certification of impasse to the board. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to *Minnesota Statutes*, section 179A.20, subdivision 1.

[For text of subps 5 to 7, see M.R.]

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry Workers' Compensation Division Governing the Targeted Industry Fund for Loggers

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Gary Hall, being sworn says:

I hereby certify that the list of persons and associations who have requested , pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Department of Labor and Industry, Workers' Compensation Division rulemaking mailing list is accurate, complete, and current as of this 10th day of December, 1990.

That on the 10th day of December, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Gary Hall
Compensation Attorney

Subscribed and sworn to before me
this 10 day of Dec, 1990

Rosemary L. LaRue

ROSEMARY LARUE
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES 11-11-93

RECEIVED

JAN 14 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry Workers' Compensation Division, Governing the Targeted Industry Fund for Loggers

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Gary Hall, being sworn says:

I hereby certify that the list of persons and associations who have requested , pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Department of Labor and Industry, Workers' Compensation Division rulemaking mailing list is accurate, complete, and current as of this 13th day of December, 1990.

That on the 13th day of December, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing and a copy of the Proposed Rules by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Gary Hall
Compensation Attorney

Subscribed and sworn to before me
this 13 day of December, 1990.

Rosemary L. LaRue

ROSEMARY LARUE
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES 11-11-[illegible]

[illegible]UE
[illegible]ESOTA
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RECEIVED

JAN 14 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Workers' Compensation Targeted Industry Fund for Loggers under *Minnesota Statutes* Section 176.130

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the implementation of the Workers' Compensation Targeted Industry Fund for Loggers under *Minnesota Statutes*, Section 176.130. The adoption of the rule is authorized by *Minnesota Statutes*, section 176.83 and 175.17 which permit the agency to adopt rules and prescribe forms necessary to implement the provisions of *Minnesota Statutes* Chapter 176.

The State Department of Labor and Industry 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:

Gail Keckhafer, Assistant Fund Director
Department of Labor and Industry
Special Compensation Fund
First Floor, 443 Lafayette Road
St. Paul, MN 55155-4301

Oral statements will be received during regular business hours over the telephone at (612) 296-2117 and in person at the above address.

All statements of information and opinions are requested by June 22, 1990. Any written material received by State Department of Labor and Industry shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 14 May 1990

Kenneth B. Peterson
Commissioner

Minnesota Pollution Control Agency

Division of Air Quality

Notice of Intent to Solicit Outside Information Regarding Revision of Rule Governing Construction and Operation of Indirect Sources

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose an amendment of rules governing construction and operation of indirect sources, *Minnesota Rules* pts. 7001.1250 to 7001.1350. The adoption of these changes is authorized by *Minnesota Statutes* § 116.07, Subd. 4, which allows the MPCA to adopt rules for the prevention, abatement, or control of air pollution.

The MPCA requests information and opinions concerning the subject matter of the changes to the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Susanne Pelly Spitzer, AICP
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-7723

Oral statements will be received during the hours of 8 a.m. to 3:30 p.m., Monday though Friday.

All statements of information and opinion will be accepted until July 27, 1990. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

Department of Labor and Industry
Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Workers' Compensation Targeted Industry Fund for Loggers under Minnesota Statutes Section 176.130.

Notice is hereby given that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the implementation of the Workers' Compensation Targeted Industry Fund for Loggers under Minnesota Statutes Section 176.130. The adoption of the rule is authorized by Minnesota Statutes, sections 176.83 and 175.17 which permit the agency to adopt rules and prescribe forms necessary to implement the provisions of Minnesota Statutes Chapter 176.

The State Department of Labor and Industry 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:

Gail Keckhafer, Assistant Fund Director
Department of Labor and Industry
Special Compensation Fund
First Floor, 443 Lafayette Road
St. Paul, MN 55155-4301

Oral statements will be received during regular business hours over the telephone at (612) 296-2117 and in person at the above address.

All statements of information and opinions are requested by June 22, 1990. Any written material received by State Department of Labor and Industry shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

May 14, 1990
Date

Commissioner

RECEIVED

JAN 14 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg. - Suite 500
525 Park Street
St. Paul, MN 55103

Department of Labor and Industry

Proposed Permanent Rules Relating to Targeted Industry Fund; Loggers

Rules as Proposed (all new material)

5222.3000 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 5222.3000 to 5222.3007, the following terms have the meanings given them.

Subp. 2. **Full-time logger.** "Full-time logger" means a logger who is employed for at least 100 hours in each of three different months during a calendar year.

Subp. 3. **Logger.** "Logger" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 1, paragraph (b).

Subp. 4. **Purchaser.** "Purchaser" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 3.

Subp. 5. **Qualified employer.** "Qualified employer" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 1, paragraph (f).

Subp. 6. **Woodmill.** "Woodmill" has the meaning given it in Minnesota Statutes, section 176.130, subdivision 1, paragraph (d).

5222.3001 AUTHORITY AND PURPOSE.

Parts 5222.3000 to 5222.3007 are adopted pursuant to the authority granted to the commissioner by Minnesota Statutes, sections 176.17, 176.83, and 176.130. The purpose of parts 5222.3000 to 5222.3007 is to specify the procedures by which woodmills and qualified employers report to the commissioner for the purpose of administering and implementing the provisions of Minnesota Statutes, section 176.130.

5222.3002 ANNUAL REPORTING BY WOODMILL.

Subpart 1. **Content of report.** Each woodmill shall make an annual report, as provided in Minnesota Statutes, section

Approved by Revisor PMM

176.130, subdivision 5, paragraph (a), on a form prescribed by the commissioner, including the following:

A. name and address of woodmill;

B. federal and state employer identification numbers of woodmill;

C. reporting period dates;

D. total number of cords purchased or acquired in the preceding calendar year per species of wood;

E. supporting documentation or other information requested by the commissioner; and

F. payment of assessment as provided in Minnesota Statutes, section 176.130, subdivision 4.

Subp. 2. **Conversion formulas.** For purposes of reporting under subpart 1, item E, where the woodmill uses a measurement other than by cord, the following conversion formulas shall apply:

A. 4,500 pounds of cut logs or tree-length timber equals one cord;

B. 500 board feet of saw logs or bolts equals one cord; and

C. 6,000 pounds of whole tree chips equals one cord.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting or payment requirements.

Subp. 4. **Extensions.** Requests by woodmills for extension of the time for reporting and making payment will be granted within seven days of receipt by the commissioner, only in rare cases where:

A. the request is made in writing;

B. the request is received by the commissioner before the reporting due date;

C. the request is based on circumstances beyond the control of the woodmill; and

D. the commissioner determines the extension period is reasonable.

Approved
by Revisor _____

5222.3003 FAILURE TO MAKE PAYMENT OF ASSESSMENT; PENALTY.

Subpart 1. **Due date.** The due date for payment of the annual assessment by a woodmill is February 15 for the previous calendar year.

Subp. 2. **Basis.** A penalty will be assessed under Minnesota Statutes, section 176.129, subdivision 10, where, on or before the due date, either:

A. the payment of the assessment is not received by the commissioner; or

B. a request for extension is not approved.

Subp. 3. **Amount.** Within 60 days of the due date the commissioner will give notice of penalty to woodmills who have not made, without an approved extension, timely and full payment of the assessment. The amount of the penalty shall be either:

A. (1) five percent of the assessment payments due, if received by the commissioner late but not more than ten days after the due date;

(2) ten percent of the assessment payments due, if received by the commissioner within 11 to 29 days after the due date; or

(3) 15 percent of the assessment payments due, if payment is not made within 30 days of the due date; or

B. $500, whichever is greater.

Subp. 4. **Payment to.** Both the assessment payment and any penalty due under this part and part 5222.3004 are payable to the special compensation fund.

5222.3004 FALSE REPORTING BY WOODMILL.

Pursuant to Minnesota Statutes, section 176.130, subdivision 9, any woodmill that makes a false report for the purposes of evading payment of the assessment, or any part of it, shall be penalized in an amount equal to 50 percent of the assessment due. For purposes of this penalty "false report" includes, but is not limited to, a failure to file the report by the due date. If a woodmill fails to file within 30 days of a request by the department, the failure to file will be presumed

Approved
by Revisor _____

to be for the purpose of evading payment of the assessment.

5222.3005 PROOF OF COVERAGE.

Subpart 1. **Generally.** Purchasers of wood from the logging industry must, pursuant to Minnesota Statutes, section 176.130, subdivision 3, obtain from the logger, and submit to the special compensation fund, within 14 days of receipt of the information by the purchaser, certification of compliance with the mandatory insurance requirement of Minnesota Statutes, chapter 176.

Subp. 2. **Obtaining proof.** Certification of coverage shall be obtained by the purchaser, on a form prescribed by the commissioner, when the purchaser and the logger enter into a contract for the purchase of wood.

5222.3006 ANNUAL REPORTING BY QUALIFIED EMPLOYER.

Subpart 1. **Content of report.** Each qualified employer shall make an annual report, as provided in Minnesota Statutes, section 176.130, subdivision 5, paragraph (b), on a form prescribed by the commissioner containing the following information:

A. name and address of qualified employer;

B. Social Security number and federal and state employer identification numbers of qualified employer;

C. reporting period dates;

D. total amount of payroll dollars paid to loggers;

E. name and address or workers' compensation insurer;

F. proof of premium dollars paid for loggers, which may include copies of canceled checks or receipts from insurers;

G. certification of attendance, for each full-time logger, at a safety seminar established or approved by the commissioner; and

H. supporting documentation or other information requested by the commissioner.

Subp. 2. **No extensions.** An employer must satisfy the requirements of Minnesota Statutes, section 176.130, subdivision 1, paragraph (f) in order to be categorized as a qualified employer. A qualified employer must report timely and fully

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under this part and Minnesota Statutes, section 176.130, subdivision 5, paragraph (b), to be eligible for any rebate. No extensions are allowed pursuant to Minnesota Statutes, section 176.130, subdivision 6.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting requirements.

5222.3007 ESTABLISHMENT OR APPROVAL OF SAFETY PROGRAM.

Subpart 1. **Establishment.** The commissioner may establish a mandatory safety program including any of the following:

A. safety seminars;

B. educational publications or video presentations;

C. on-site consultations; or

D. testing of safety equipment.

Subp. 2. **Approval.** The commissioner may approve privately sponsored safety programs or seminars based on the following criteria:

A. cost of program;

B. specificity of subject matter to industry concerns;

C. availability of program in terms of locations and number of seminars;

D. expertise of program sponsor; and

E. recommendations of Minnesota Occupational Safety and Health Administration consultation unit.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Targeted Industry Fund; Loggers

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5222

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor