

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

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

Version 3
August 20, 2018

(F)

1893

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota Crime Victims Reparations Board Governing Claims Procedures and Eligibility for Reparations

STATEMENT OF NEED AND REASONABLENESS

I. General

The Minnesota Crime Victims Reparations Board provides compensation to victims of crime who have suffered physical or emotional injury. Claimants may receive compensation for expenses incurred for medical or dental care, psychological counseling, loss of income, childcare or household services, or in case of a death, funeral expenses or loss of support for a victim's dependents. Claimants must meet the Board's eligibility requirements which include filing a claim within one year, reporting the crime to the police, and cooperating fully with law enforcement. The Board is composed of five members who meet once a month to review claims and to approve or deny awards.

The Board is governed by a set of statutes and rules which specify the Board's eligibility criteria. The proposed amendments will supplement the existing rules. The amendments are needed to clarify the procedures followed by the Board in determining eligibility for reparations and in calculating awards. The majority of the proposed amendments are based on the experiences of the Board in implementing Minnesota Statutes, sections 611A.51 - .67 and are consistent with those statutes. The proposed amendment regarding payment benefitting an offender is required to comply with changes in the federal Victims of Crime Act, 42 United States Code, section 10602(b)(7), governing the administration of the Crime Victims Reparations Board. All of the proposed amendments are designed to represent the public interest by ensuring evenhanded treatment of claims despite circumstances which might otherwise lead to undue scrutiny or application of bias.

II. Statutory Authority

The Board is required by Minnesota Statutes, section 611A.56, subdivision 1, paragraph (b), to:

> adopt rules to implement and administer sections 611A.51 to 611A.68 including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for

reparations shall be made, and providing for discovery proceedings.

The Board first adopted rules in the mid-1970's in response to this statutory mandate and has, at times, amended the rules or added new rules. The statute clearly authorizes the Board to adopt new rules relating to claim procedures, the calculation of awards and clarification of eligibility criteria.

III. Small Business Considerations

Minnesota Statutes, section 14.115, requires agencies, when proposing a new rule or amending existing rules, to consider certain methods for reducing the impact of the rule on small businesses.

The proposed amendments to the Crime Victims Reparations Board Rules will have only an extremely minimal indirect impact, if any, on small businesses. The rules do not affect small businesses disproportionately. The Board considered the impact of the amendments on small business and determined that no feasible alternative to the rules exists.

IV. Fees Imposed by the Rule

Minnesota Statutes, section 16A.128, subdivision 1, does not apply because the proposed amendments do not set any fees.

V. Fiscal Impact

A fiscal note is not required pursuant to Minnesota Statutes, section 3.982, because the proposed amendments will not force any local agency or school district to incur costs.

VI. Other Statutory Requirements

Minnesota Statutes, section 14.11, subdivision 2, regarding agricultural effect, is inapplicable because the proposed amendments will not have any direct and substantial adverse impact on agricultural land.

Minnesota Statutes, sections 115.43, subdivision 1, and 116.07, subdivision 6, regarding pollution control and Minnesota Statutes, section 144A.29, subdivision 4, regarding nursing homes are not applicable.

VII. Rule-By-Rule Analysis

7505.0750 DEFINITIONS

Subpart 1a. Adult. Part 7505.3400 regarding secondary victims in homicide cases provides for limited coverage for adult children of a homicide victim. A definition of "adult" is needed to clarify which claimants will be eligible for benefits. The proposed definition of adult is a person who is 21 years old or older. This definition is based on the Board's experience with claimants who are less than 21. The Board has found that claimants who are less than 21 may still be living at home or may still be partially dependent on their parents. Also, these young individuals often have no insurance coverage and are, therefore, in greater need of some coverage under the proposed secondary victims rule.

Subpart 5. Witness. Part 7505.3400 regarding secondary victims also extends coverage to persons who witnessed a violent crime. A definition of witness is needed to determine who will be eligible for benefits under Part 7505.3400. A witness is defined in the proposed rules as a person who was present and saw or heard the crime. This is reasonable because it will include only those who actually perceived the crime and would be most likely to have an emotional impact as a result of their perceptions. It excludes those who were at the scene but did not actually see anything, or those who arrived at the scene later.

Subpart 6. Net Income. Parts 7505.3100 and 7505.3200 regarding loss of income use the term "net income". A definition of "net income" is needed to determine what amount of lost income will be paid. The proposed definition of net income is gross income minus taxes and deductions. This is consistent with past Board practice and reflects the purpose of the reparations program which is to reimburse claimants only for out-of-pocket losses. The rule ensures that the lost income to be replaced equals the amount which actually would have been paid to the victim, and does not include money which would have been paid in taxes or deducted for benefits or union dues.

Subpart 7. Family or Household Members Part 7505.3600 regarding household services prohibits payment to family or household members who provide assistance to the victim. A definition of "family and household members" is needed to specify which providers of household services are not eligible for reimbursement. The proposed definition of "family and household members" includes spouses, former spouses, parents, children, grandparents, siblings, persons who are living in the household, and persons who have a child in common. It is reasonable to exclude these persons from coverage because of the difficulty of verifying services provided by close relatives and persons living with the victim.

7505.0750 BOARD DETERMINATION OF FULL COOPERATION.

Subpart 1. Board finding of full cooperation.

The Board's statutes require that claimants cooperate fully with law enforcement, however, there is currently no explanation in the statutes or rules of the meaning of "full cooperation". Many claimants have appealed the denial of claims on this issue and one administrative law judge suggested that further guidance is needed in the Board's rules regarding the elements of full cooperation. This subpart is necessary to provide a clear definition of the conduct and time frame which the Board will consider in determining whether a claimant fully cooperated.

The proposed rule requires claimants to comply with any specific and direct requests communicated to them by law enforcement officials. For example, if the investigating officer requires the claimant to come into the station and view mug shots, the claimant must make a reasonable effort to comply. The rule also specifies that a claimant must cooperate throughout the investigation and prosecution of the case. Under this rule, it would not be "full cooperation" if the claimant cooperated with the investigation, but then to refused to testify at the trial.

This proposed rule is reasonable because it only requires that the claimant's actions be responsive to specific and direct requests that were communicated to them. It allows for the possibility that law enforcement officials did not make a reasonable effort to contact the victim or that the request for action by the victim was not clearly explained. Paragraph B is reasonable because cooperation is essential during the specified time period in order to prosecute criminal cases. The rule does not require cooperation beyond prosecution of the case.

Subpart 2. Ability to cooperate

The Board has considered many claims where victims were unable to cooperate due to their emotional or physical condition resulting from their injuries, or due to a pre-existing physical or mental disability. This subpart is necessary to ensure that victims or claimants who are disabled, incompetent, or otherwise unable to cooperate due to their physical or mental condition, are not excluded from eligibility for reparations. This subpart requires the Board to find that the victim was actually physically and mentally able to cooperate with the police before it can consider whether the victim should be denied benefits because of a lack of cooperation. It also sets out the factors the Board may consider in determining an individual's ability to cooperate with law enforcement agencies. It is reasonable because it would be unfair to deny reparations to victims or claimants who, through no fault of their own, are unable to cooperate.

7505.3100 LOSS OF SUPPORT

Subpart 1. Determination of amount.

The Board's statutes provide for compensation for "loss of support" to a deceased victim's dependents. The statutes and rules, however, do not currently specify how the Board should determine the amount to be paid. The Board's policy has been to calculate loss of support using a formula which takes into account the net income of the deceased prior to death, the number of family members, and collateral sources, such as social security benefits. It is necessary to put this formula into rule form to establish a consistent method for calculating loss of support. The proposed rule states that loss of support equals the victim's monthly net income divided by the number of surviving family members minus payments received from collateral sources. This subpart is reasonable because it bases loss of support on an amount of income that is readily verifiable and divides that amount equally among the family members who depended on the victim for support.

In recent years, the number of claims involving loss of support has increased, while funding for the reparations program has remained at the same level. A rule is needed to provide an even distribution of the resources available. This subpart meets the need for fiscal restraint by establishing a cap on the monthly amount of loss of support. The maximum monthly amount which the Board is allowed to pay to each dependent equals the monthly rate each dependent is eligible to receive from the Social Security Administration. For example, if the victim's monthly net income per family member was equal to $2000 and each surviving family member receives $500 a month from social security, the Board may not pay more than $500 to each family member. It is reasonable to base the maximum payment on social security benefits because those benefits reflect the income of the deceased during his or her lifetime and the number of dependents. The social security benefits are also adjusted each year for inflation, so the Board's cap will also be increased each year automatically.

Subpart 2. Employed Spouse

The loss of support statute was intended to provide compensation for dependents of a deceased victim. Subpart 2 is necessary to address the situation where the surviving spouse contributed substantially to the family's income and was not completely dependent on the victim for support. The rule provides that the spouse's portion of loss of support should be reduced if the spouse was employed at the time of the crime. The amount of the reduction is based on how much the spouse contributed to the total family income. For example, if the spouse had an income of $15,000 and the victim's income was $30,000, the spouse's loss of support would be reduced by $15,000 divided by $45,000 or 33%. This rule is reasonable because a spouse who was also employed at the time of the crime does not need as much compensation as one who was not working.

Subpart 3. Net income.

There are various ways in which a victim may have been supporting his or her dependents. A rule was needed for determining what types of income should be considered in various situations when determining loss of support. This subpart specifies what will be included as income where the victim was : 1) employed, or 2) receiving government benefits, or 3) paying child support or alimony. It is reasonable because it prevents the exclusion of claimants simply because the victim and spouse were divorced, or because the victim was on welfare. It allows the consideration of various types of income that the victim may have had, and includes those who were unemployed, but who still supported the family through government benefits, or those who were divorced, but were supporting the family through child support or alimony payments.

7505.3200 LOSS OF INCOME

Subpart 1. Computation of lost income: employed victim

The Board's statutes provide for payment to a victim for lost income due to a crime, but do not specify how lost income should be calculated. It is therefore necessary to specify how lost income will be calculated. The Board's policy has been to obtain a form from the victim's employer stating the victim's net income prior to crime, the amount of time missed from work due to the crime, as well as information about sick leave and disability benefits. This rule provides that lost income will be based on information provided by the victim's employer verifying the victim's actual net wage at the time of the crime and the amount of time lost. The rule also provides that other sources of information may be used to calculate lost income if information from the employer is unavailable.

This procedure is reasonable because it results in a good estimation of the victim's out-of-pocket loss. It eliminates the need for speculation about the victim's income and the time missed from work. It relies instead on the employer, who is an objective source of information about the victim's employment, including net wage, number of days missed, and benefits. The rule is also reasonable because it creates an exception in cases where the employer refuses to submit or cannot submit information to the Board.

Subpart 2. Computation of lost income: unemployed or self-employed victim

On some occasions, the Board has had to determine lost income where there is no employer who can verify the victim's wages. This situation arises where the victim is unemployed at the time of the crime or where the victim is self-employed. Administrative law judges held in two cases that the Board should pay some amount of lost wages, even though the victim was unemployed, if the victim had a history of employment. A rule was needed to specify how the amount of lost wages should be

determined if the victim was unemployed. It was also necessary to address the problem of fraudulent or inflated claims for lost wages, for example, where a claimant states they earned $30,000 a year, but did not file a tax return and has no other documents to prove the earnings.

This subpart provides a framework for compensation of individuals with an employment history and expectation of employment, but who may have experienced a period of unemployment just prior to the incident for which the claim was filed. The rule provides that loss of income must be calculated at a rate based upon the victim's average net income in the 12 months before the crime. It also lists the types of documents, such as tax returns and signed contracts, that can be used to verify income for a victim who is unemployed or self-employed. This subpart also provides that claimants who do not file tax returns cannot claim they had income exceeding the amount for which tax filing is not required. For example, if the Department of Revenue requires persons with an income greater than $4000 to file a tax return, the victim cannot claim they earned more than that amount if they did not file a tax return.

The rule is reasonable because it allows claims for lost wages where the claimants are self-employed or were temporarily unemployed at the time of the crime. However, it still ensures that lost income paid by the Board will be consistent with the victim's actual average income as verified by recent work history and measureable earnings rather than speculative wage loss. The last paragraph of this subpart, limiting wage replacement if the claimant did not file tax returns, is reasonable because claimants should not be allowed to claim more income for purposes of filing a reparations claim than they claim with the Department of Revenue. This rule will also prevent payment of inflated claims for lost income.

Subpart 3. Proof of Inability to Work.

The Board's practice has been to obtain documentation from a psychologist or doctor verifying that a claimant is unable to work due to the crime and giving an estimated return-to-work date. A rule is needed to ensure that the Board continues to base its determination of the victim's disability on a professional assessment. Subpart 3 places the burden of providing such an assessment on the claimant. The rule is reasonable because the claimant has access to his or her medical records, whereas the Board does not have access to this privileged information. Further, this requirement puts very little burden on the claimant.

7505.3300 PAYMENT BENEFITTING OFFENDER

Subpart 1. Domestic Abuse -- clarification

The Board's statutes prohibit making any payment that would unjustly enrich the offender. A discussion of whether a payment to the victim would benefit the offender most often arises in cases of domestic abuse where the victim continues to share a residence with the offender. Under a new provision of the federal Victims of Crime Act, 42 United States Code, section 10602(b)(7), programs must treat domestic abuse cases in the same manner as all other cases and may not deny compensation to any victim because of a familial relationship or sharing of residency with the offender, except pursuant to rules to prevent unjust enrichment. The new federal Program Guidelines for Victim Compensation Programs, Federal Register, Vol. 55, No. 20, p. 3184, suggest that payments to victims of domestic violence which benefit offenders in only a minimal or inconsequential manner should not be considered unjust enrichment. The Board needed rules to show that it was complying with this federal requirement so that it can continue to receive federal funding.

The proposed rule states that the Board will treat claims for domestic abuse in the same manner as other claims and that no claim will be denied simply because the victim is still residing with the offender. It also specifies that the Board may not deny payments to hospitals, doctors, etc. for the claimant's medical expenses. The rule is reasonable because it clarifies the Board's intention to handle all claims in a uniform manner, and ensures that third party vendors, ie. medical providers, will be treated uniformly across all crime classes.

Subpart 2. Claim Denial

This subpart is necessary to ensure that victims of domestic violence are not penalized simply because they are victims of a type of crime which may be reoccurring. The subpart states that a claim may not be denied simply because the claimant has previously filed other claims for incidents involving the same offender. This rule recognizes the dynamics of domestic abuse, which may involve chronic and progressive acts of violence, and that claimants, through no fault of their own, may have been victimized on more than one occasion by the same offender.

7507.3400 SECONDARY VICTIMS

Relatives of homicide victims suffer psychological harm due to a crime and often incur expenses as a result of their emotional injury. The Board wanted to extend some coverage under the reparations program to this group of secondary victims. However, under the Board's current statutes and rules, it is unclear whether secondary victims are covered. Also, the Board's funding is limited and could not support full payment of expenses for all secondary victims. This subpart is necessary to indicate which secondary victims are eligible for benefits and to specify the limits of coverage.

The rule extends full coverage to parents, spouses and minor children of a homicide victim. Minor children would include those who are less than 21 years old. It extends partial coverage--ten counseling sessions only--to all siblings, regardless of their age, and to adult children of homicide victims. Adult children would include those who are 21 years old or older. The rule is reasonable because it allows these individuals, who have suffered a substantial emotional injury, to be treated in the same manner as other injured victims. It is consistent with Minnesota Statutes, 611A.01 (b) which defines "victim" to include the surviving spouse or next of kin of homicide victims for the purpose of asserting rights under the rest of Minnesota Statutes, Chapter 611A - Minnesota's Bill of Rights for Victims. The rule is also reasonable because it requires the same standard of injury for secondary victims as for other victims of crime.

The difference between full and partial coverage in the proposed rule depends on the relationship of the claimant to the victim. This is reasonable because parents, spouses and minor children have a greater need for full benefits due to the close relationship with the victim. The Board's mental health consultant, Jeanne Herzog, reported that minor children, in particular, can suffer greater psychological trauma than adult children because they are still developing emotionally. Also, according to Linda Ledray, a psychologist specializing in post traumatic stress disorder, and Dr. Jim Janecek, a psychiatrist and Board member, ten counseling sessions is the standard number of sessions usually required by persons who have experienced a death in their family. It is also common practice for insurance carriers to limit coverage to ten sessions. It is reasonable for the Board to similarly limit coverage for secondary victims so that there will still be enough funding available for primary victims of crime.

The Board also identified a need for some coverage of witnesses of violent crime and persons who discover a body at the scene of a homicide. These individuals may suffer an emotional injury and may have expenses related to the injury. A rule was necessary to identify witnesses who would most likely suffer emotional injuries and to provide compensation. This rule extends coverage to witnesses who actually see a violent crime and to persons who discover a body.

The proposed rule extends full coverage to witnesses to a violent crime. It extends partial coverage--ten counseling sessions only--to persons who discover a body. This rule reflects Board practice which has been to cover witnesses to a violent crime in full, but not to provide full coverage to persons who discover a body. It is reasonable to limit coverage in cases involving the discovery of a body because that experience, while it can have a psychological impact, is less traumatic than actually seeing the crime take place. This part of the rule also meets the need for fiscal restraint.

7507.3500 PARENTS OF CHILD VICTIMS -- DOMESTIC CHILD ABUSE OR SEXUAL ASSAULT

The Board has received claims from parents of victims of sexual abuse seeking payment for counseling sessions which the parents attended. The counseling sessions were designed to help parents understand the dynamics of sexual abuse so that they can help the child to recover. The Board's statutes and rules are currently ambiguous about whether or not this is covered since the parents were not victims of a crime. There has been one appeal of the Board's denial of a claim submitted by a parent of a sexual abuse victim, and the administrative law judge awarded the claimant payment for a limited number of counseling sessions because it would benefit the child who was a victim of sexual abuse. A rule is necessary to clarify whether this type of expense will be covered and, if so, to what extent?

The proposed rule extends limited coverage--up to five counseling sessions--to parents of sexual abuse victims where the counseling sessions are for the direct benefit of the child. It is reasonable because it provides compensation for treatment of parents, which, according to experts in the field of child psychology, is an integral part of the child's treatment and essential to the victim's recovery in cases of sexual abuse. A limit of five sessions was selected because mental health professionals, Dr. Susanne Phipps-Yonas and Leslie Faricy, advised the Board that this would be an adequate number of sessions to accomplish the goals of treatment for parents of child victims.

7507.3600 HOUSEHOLD SERVICES

The Board's statutes allow payment for reasonable household services to replace those the victim would have performed if he or she had not been injured. Many claimants ask the Board to compensate family members who help them during their recovery from an injury. The Board's practice has been to deny these requests because it is too difficult to verify and monitor the quantity of services provided by relatives or persons living in the household. The Board is concerned about the potential for fraud in this area because relatives or friends of the claimant may submit inflated expenses. Also, the victim may not actually have incurred an expense for this type of service, if the relative or household member provided the services free-of-charge. The Board's current rules allow consideration of the relationship between the claimant and the service provider when determining reasonableness of services. However, there is currently no rule which specifically addresses the issue of household services performed by relatives or household members.

The proposed rule clarifies that services provided by relatives or household members are not compensable. The rule prohibiting payment to relatives or household members is reasonable because it still allows payment for household services provided by either a professional service or someone who is not a relative or household member. Services provided by professional homecare services can be verified because they keep track of the hours worked, services performed and charges incurred. Also, there are standard rates which are acceptable for this type of service. Insurance carriers have similar policies preventing reimbursement for services rendered by family or household members.

CONCLUSION

Based on the foregoing, the Minnesota Crime Victims Reparations Board's proposed amendments are both necessary and reasonable.

Dated: August 5, 1991

Nancy Johnson

Chair, Minnesota Crime Victims
Reparations Board

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

OFFICE MEMORANDUM

DATE: February 12, 1992

TO: FRAN SEPLER
Crime Victims Reparations Board
N465 Griggs Midway Building
1821 University Avenue
St. Paul

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Eligibility and Claims Procedures for Reparations

The above-referenced rule has been approved as to its legality by the Attorney General on February 12, 1992.

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:jj

cc: Jacquelyn Albright
William Brown, Chief Judge
MaryAnn Hruby

MJC ~~MJM~~ 2-3-92

RULE REVIEW CHECKLIST

File No. 1893
DATE RECEIVED 1-30-92
REVIEW DATE 2/10/92
DUE DATE 2-13-92
(DIS)APPROVED 2-12-92 mjc
WITHDRAWN

Docket No. 05.0009.0106
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON
REVISOR (DIS)APPROVED 2-4-92 (I think) (the day I received it)
FILED W/SEC. OF STATE 2-12-92
RETURNED TO AGENCY 12-13-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
April 2, 1990 Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
Nov 21, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
611A.56 Statutory Authority
✓ Small Business Statement
NA Expenditure of public money statement
11-21-91 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Dec 10, 1991 Dated 30/25 days before adoption
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
Dec 16, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ 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
January 17, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
January 28, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Jacquelyn Albright Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Department of Public Safety

Adopted Permanent Rules Relating to Eligibility and Claims Procedures for Reparations

Rules as Adopted

7505.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Adult.** "Adult" means a person who is 21 years of age or older.

[For text of subps 2 and 3, see M.R.]

Subp. 5. **Witness.** "Witness" means a person who was present at the scene of a crime and personally saw or heard the crime.

Subp. 6. **Net income.** "Net income" means gross income minus federal, state, and social security taxes and any wage deductions for benefits or union dues.

Subp. 7. **Family or household members.** "Family or household members" means spouses, former spouses, parents, children, grandparents, siblings, persons who are presently residing together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

7505.0750 BOARD DETERMINATION OF FULL COOPERATION.

Subpart 1. **Board finding of full cooperation.** The board, in determining whether a victim or claimant has fully cooperated with law enforcement and prosecutorial authorities, shall consider items A and B as necessary for an affirmative finding.

A. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have made a reasonable effort to comply with any specific and direct requests that law enforcement professionals made a reasonable effort to communicate to them.

B. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must

have cooperated from the time the crime was reported, during the entire time the investigation remains active, and through all prosecution proceedings.

Subp. 2. **Ability to cooperate.** The board may not deny benefits on the basis that the victim or claimant did not fully cooperate unless the board finds that the victim or claimant was able to cooperate at the time the cooperation was requested. In determining whether a victim or claimant was able to cooperate, the board shall consider physical or mental impairments or disabilities that might have affected the victim or claimant's ability to respond to the requests.

7505.3100 LOSS OF SUPPORT.

Subpart 1. **Determination of amount.** To calculate compensation for the loss of support to a dependent of a deceased victim, the board must take the monthly net income of the victim and divide it by the number of surviving dependents. This amount must be decreased by payments received from collateral sources by the dependent, including social security and AFDC benefits. If the victim's dependents are eligible for social security benefits as a result of the victim's death, then the monthly amount which the board may pay to each dependent must not exceed the monthly rate the dependent is eligible to receive from the Social Security Administration.

Subp. 2. **Employed spouse.** If the victim's spouse was employed at the time of the crime, the amount of loss of support to be paid to the spouse shall be reduced by a percentage equal to the spouse's income divided by the total income of the victim and the spouse.

Subp. 3. **Net income.** The board shall determine the net income of the victim using the following:

A. net income of the deceased during the previous 12 months as documented by tax returns, W-2's, employer records, signed contracts or receipts, or other government agency records;

B. the total amount of other government benefits

received by the victim, including AFDC payments, food stamps, and housing grants; and

C. if the claimant and the victim were divorced, court-ordered child support and alimony payments in the monthly amount that the victim had been ordered to pay.

7505.3200 LOSS OF INCOME.

Subpart 1. **Computation of lost income: employed victim.** If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed.

Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2.

Subp. 2. **Computation of lost income: victim self-employed or unemployed.** If the victim was self-employed or unemployed at the time of the crime for which the claim has been filed, loss of income must be calculated at a rate which is based upon the victim's average net income in the 12 months before the crime for which the claim was filed as evidenced by tax returns, W-2 forms, check stubs, signed contracts or receipts, or other government agency records.

If the victim has not filed tax returns for the year before the crime, the victim's net income is presumed to be no greater than the maximum yearly income for which no federal or state income tax filing is required.

Subp. 3. **Proof of inability to work.** If necessary to determine the extent of disability and the length of compensation for lost income, the board shall request that the victim provide a statement from a licensed physician or psychologist indicating that the victim is or was unable to work due to injuries sustained as a result of the crime for which the victim has filed a claim.

The board shall withhold payment for loss of income if a statement has been requested and not received.

7505.3300 PAYMENT BENEFITING OFFENDER.

Subpart 1. **Domestic abuse; clarification.** The board shall determine the eligibility of claims for injuries sustained as the result of domestic abuse in the same manner as other claims. No claim resulting from an incident of domestic abuse may be denied based solely upon a finding that a claimant resides or has resided with the alleged offender of the crime for which the claim has been filed. The board shall not reduce or deny an award when enrichment of the offender is inconsequential or minimal. The board shall not deny payments to service providers based upon a finding that the claimant and offender are maintaining a relationship.

Subp. 2. **Claim denial.** No claim may be denied because it succeeds previous claims for victimization by the same offender.

7505.3400 SECONDARY VICTIMS.

For the purposes of this chapter, the term "victim" includes, in addition to those meanings specifically provided in Minnesota Statutes, section 611A.52, the following:

A. a parent, spouse, or minor child of a victim who died as the direct result of a crime;

B. a witness to a violent crime who suffered physical or emotional injury;

C. a sibling or adult child of a victim who died as the direct result of a crime, if the sibling or child has suffered emotional injury. Payment for a sibling or adult child is limited to ten counseling sessions; and

D. a person who discovered the body of a victim who died as the direct result of a crime, if the person has suffered emotional injury. Payment for a person who discovered a body is limited to ten counseling sessions.

7505.3500 PARENTS OF CHILD VICTIMS; DOMESTIC CHILD ABUSE OR CHILD SEXUAL ASSAULT.

The board shall authorize payment for up to five counseling sessions for a parent who is a primary caretaker of a victim of domestic child abuse or child sexual assault, if the treatment plan filed under and complying with part 7505.2700 indicates that the sessions directly benefit the victim.

7505.3600 HOUSEHOLD SERVICES.

The board shall not award reparations for household services performed by a family or household member.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 12 1992

Joan Anderson Growe
Secretary of State

2:00 PM
PRB

APPROVED AS TO FORM AND LEGALITY
February 12 1992
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

(M)

STATE OF MINNESOTA
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations

DECLARATION OF COUNSEL

I, Jacquelyn Albright, 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 Minnesota Rules, chapter 2010, have been followed. Any exceptions are listed below. For Attorney General Billing purposes, the four-digit docket client code is

0106.

Jacquelyn Albright
Special Assistant Attorney General

Dated: 11/30/92

Department of Public Safety

Proposed Permanent Rules Relating to Eligibility and Claims Procedures for Reparations

Rules as Proposed

7505.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Adult.** "Adult" means a person who is 21 years of age or older.

[For text of subps 2 and 3, see M.R.]

Subp. 5. **Witness.** "Witness" means a person who was present at the scene of a crime and personally saw or heard the crime.

Subp. 6. **Net income.** "Net income" means gross income minus federal, state, and social security taxes and any wage deductions for benefits or union dues.

Subp. 7. **Family or household members.** "Family or household members" means spouses, former spouses, parents, children, grandparents, siblings, persons who are presently residing together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

7505.0750 BOARD DETERMINATION OF FULL COOPERATION.

Subpart 1. **Board finding of full cooperation.** The board, in determining whether a victim or claimant has fully cooperated with law enforcement and prosecutorial authorities, shall consider items A and B as necessary for an affirmative finding.

A. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have made a reasonable effort to comply with any specific and direct requests that law enforcement professionals made a reasonable effort to communicate to them.

B. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must

Approved by Revisor RPK

have cooperated from the time the crime was reported, during the entire time the investigation remains active, and through all prosecution proceedings.

Subp. 2. **Ability to cooperate.** The board may not deny benefits on the basis that the victim or claimant did not fully cooperate unless the board finds that the victim or claimant was able to cooperate at the time the cooperation was requested. In determining whether a victim or claimant was able to cooperate, the board shall consider physical or mental impairments or disabilities that might have affected the victim or claimant's ability to respond to the requests.

7505.3100 LOSS OF SUPPORT.

Subpart 1. **Determination of amount.** To calculate compensation for the loss of support to a dependent of a deceased victim, the board must take the monthly net income of the victim and divide it by the number of surviving dependents. This amount must be decreased by payments received from collateral sources by the dependent, including social security and AFDC benefits. If the victim's dependents are eligible for social security benefits as a result of the victim's death, then the monthly amount which the board may pay to each dependent must not exceed the monthly rate the dependent is eligible to receive from the Social Security Administration.

Subp. 2. **Employed spouse.** If the victim's spouse was employed at the time of the crime, the amount of loss of support to be paid to the spouse shall be reduced by a percentage equal to the spouse's income divided by the total income of the victim and the spouse.

Subp. 3. **Net income.** The board shall determine the net income of the victim using the following:

A. net income of the deceased during the previous 12 months as documented by tax returns, W-2's, employer records, signed contracts or receipts, or other government agency records;

B. the total amount of other government benefits

Approved
by Revisor _____

received by the victim, including AFDC payments, food stamps, and housing grants; and

C. if the claimant and the victim were divorced, court-ordered child support and alimony payments in the monthly amount that the victim had been ordered to pay.

7505.3200 LOSS OF INCOME.

Subpart 1. **Computation of lost income: employed victim.** If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed.

Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2.

Subp. 2. **Computation of lost income: victim self-employed or unemployed.** If the victim was self-employed or unemployed at the time of the crime for which the claim has been filed, loss of income must be calculated at a rate which is based upon the victim's average net income in the 12 months before the crime for which the claim was filed as evidenced by tax returns, W-2 forms, check stubs, signed contracts or receipts, or other government agency records.

If the victim has not filed tax returns for the year before the crime, the victim's net income is presumed to be no greater than the maximum yearly income for which no federal or state income tax filing is required.

Subp. 3. **Proof of inability to work.** If necessary to determine the extent of disability and the length of compensation for lost income, the board shall request that the victim provide a statement from a licensed physician or psychologist indicating that the victim is or was unable to work due to injuries sustained as a result of the crime for which the victim has filed a claim.

Approved
by Revisor _____

The board shall withhold payment for loss of income if a statement has been requested and not received.

7505.3300 PAYMENT BENEFITING OFFENDER.

Subpart 1. **Domestic abuse; clarification.** The board shall determine the eligibility of claims for injuries sustained as the result of domestic abuse in the same manner as other claims. No claim resulting from an incident of domestic abuse may be denied based solely upon a finding that a claimant resides or has resided with the alleged offender of the crime for which the claim has been filed. The board shall not reduce or deny an award when enrichment of the offender is inconsequential or minimal. The board shall not deny payments to service providers based upon a finding that the claimant and offender are maintaining a relationship.

Subp. 2. **Claim denial.** No claim may be denied because it succeeds previous claims for victimization by the same offender.

7505.3400 SECONDARY VICTIMS.

For the purposes of this chapter, the term "victim" includes, in addition to those meanings specifically provided in Minnesota Statutes, section 611A.52, the following:

A. a parent, spouse, or minor child of a victim who died as the direct result of a crime;

B. a witness to a violent crime who suffered physical or emotional injury;

C. a sibling or adult child of a victim who died as the direct result of a crime, if the sibling or child has suffered emotional injury. Payment for a sibling or adult child is limited to ten counseling sessions; and

D. a person who discovered the body of a victim who died as the direct result of a crime, if the person has suffered emotional injury. Payment for a person who discovered a body is limited to ten counseling sessions.

7505.3500 PARENTS OF CHILD VICTIMS; DOMESTIC CHILD ABUSE OR CHILD SEXUAL ASSAULT.

Approved by Revisor _____

The board shall authorize payment for up to five counseling sessions for a parent who is a primary caretaker of a victim of domestic child abuse or child sexual assault, if the treatment plan filed under and complying with part 7505.2700 indicates that the sessions directly benefit the victim.

7505.3600 HOUSEHOLD SERVICES.

The board shall not award reparations for household services performed by a family or household member.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Eligibility and Claims Procedures for Reparation

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7505

The attached rules are approved for publication in the State Register

Robert P. Kittel

Robert P. Kittel
Assistant Deputy Revisor

Stat Authority 61 1A.56

In addition to carrying out any duties specified elsewhere in sections 61 1A.51 to 61 1A.68 .. the board shall

(b) adopt rules to implement and administer sections 61 1A.51 to 61 1A.68 including rules governing the method of practice and procedure

end of comment Jan 15, 1992

(L)

CENTRO LEGAL, INC.

A NON-PROFIT COMMUNITY LAW OFFICE

179 E. ROBIE ST.
ST. PAUL, MN 55107
(612) 291-0110

2929 4TH AVE. SO. SUITE L
MINNEAPOLIS, MN 55408
(612) 825-5503

PHILLIPS F. GONZALEZ GONZALEZ
Chief Legal Officer

LUZ MARIA FRIAS
Attorney at Law

PAULA J. DUTHOY
Attorney at Law

DOREEN M. VARELA
Proyecto Ayuda Coordinator
Attorney at Law

CHRISTINE ROSARIO
Office Manager



January 2, 1992

Ms. Marie Bibus
Minnesota Crime Victim's Reparations Board
Griggs Midway Building-Room N465
1821 University Ave.
St. Paul, MN 55104

Re: Comments on Proposed Permanent Rules Relating to Eligibility and Claims Procedures for Reparation. Department of Public Safety, Minnesota Rules Chapter 7505.

Dear Ms. Bibus:

Please accept this letter as my comment on the above-entitled proposed rules. I am the coordinator for the Proyecto Ayuda Battered Women's Project at Centro Legal, Inc. I am also very interested in the issues which affect Battered Women in Minnesota. As such, I would like to focus my comment on Rule 7505.0750, Subpart 1, and Sections A and B, and Subpart 2.

As I understand the rule, the Board must make an affirmative finding that the victim made a reasonable effort to comply with specific and direct requests from law enforcement officers who have made a reasonable effort to communicate said requests. As a result of the sometimes vicious and insidious nature of domestic abuse, many women find themselves traumatized and in a volitile state of mind, especially initially after an attack by her mate. Moreover, she continues to fear an abuser with the apparent ability to seriously injur or kill her or her children. Further, non-english speaking crime victims are not considered in this proposal. The non-english speaking communities in Minnesota are continually growing and must be reckoned with when enacting responsible legislation.

A United Way Agency



Therefore, I believe the proposal would benefit be amending Subpart 2 by adding language that takes into account the state of mind of the victim, based on the amount and severity of injury which was inflicted by the defendant, at least in domestic abuse cases.

Moreover, Subpart 1, Section A could be modified by stating with specificity that non-english speaking victims or claimants should affirmatively and subjectively understand the requests made of them. Or in lieu of such a provision, an impartial and competent translator must be provided to ensure understanding of requests made of the victim or claimant.

These provisions will ensure that the rule will be applied fairly and evenhandedly, leaving less room for interpretation in these crucial areas which I have described. Thanking you for your attention, I remain.

Sincerely,

Doreen M. Varela
Attorney at Law

cc: Amaya Maura, Legislative Programs Coordinator
Minnesota Coalition for Battered Women

(P)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations

AFFIDAVIT OF MAILING THE STATEMENT OF NEED AND REASONABLENESS TO THE LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

David E. Orren, being sworn says:

That on the 10th day of December, 1991, I mailed the Statement Of Need And Reasonableness for the above-captioned Rules to the Legislative Commission To Review Administrative Rules in compliance with Minnesota Statutes, sections 14.131 and 14.23. The mailing was done through the interoffice mail of the State of Minnesota.

David E Orren
David E. Orren

Subscribed and sworn
to before me this 10 day
of December, 19 91.
Laura Nehl-Trueman
Notary Public

Laura Nehl-Trueman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-96

OFFICE OF THE COMMISSIONER
211 Transportation Building
395 John Ireland Boulevard
Telephone: _____

Rec 1-30-92

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55155-1889

January 30, 1992

Ms. Patty Nolte
Legal Assistant
Public Finance Division
Office of the Attorney General
404 Capital Office Building
525 Park Street
St. Paul, Minnesota 55103

Re: In The Matter Of The Adopted Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures and Eligibility For Reparations

Dear Ms. Nolte:

On January 28, 1992, The Minnesota Crime Victims Reparations Board adopted amendments tothe above-captioned rules governing claims procedures and eligibility for reparations. Enclosed for your review are the following:

A. A photocopy of the Notice Of Solicitation Of Outside Information Or Opinions as published in the State Register on April 2, 1990. No comments were received in response to the Solicitation.

B. No copy of a rulemaking petition is enclosed because no such petition was filed regarding these rules.

C. A copy of the November 21, 1991, Certificate Of The Board's Authorizing Resolution directing that notice be signed and given of the Board's intent to adopt the rules without public hearing.

D. A copy of the proposed rules with a certificate of approval as to form by the Revisor of Statutes attached.

E. A copy of the Notice Of Intent To Adopt Rules Without A Public Hearing, as mailed.

F. A copy of the Statement Of Need And Reasonableness in support of the proposed rules.

G. A copy of the Affidavit Of Mailing The Notice Of Intent To Adopt Rules Without A Public Hearing. Also enclosed is a copy of the Affidavit Of Certificate Of

Mailing List. Also enclosed is a copy of the Affidavit Of Mailing Discretionary Notice Of Intent To Adopt Rules.

H. A photocopy of the Notice Of Intent To Adopt Rules Without A Public Hearing, as published in the State Register on December 16, 1991.

I. Four copies of the rules as adopted.

J. A copy of the January 17, 1992, Certificate Of The Board's Resolution Adopting Rules.

K. A copy of the Findings Of Fact, Conclusions Of Law, And Order Adopting Rules.

L. Copies of all written requests, withdrawals of requests for a hearing, submissions, or comments on the rules received by the Department except for requests solely for copies of the rules or of the Statement Of Need And Reasonableness. Only one comment was received.

M. A copy of the Declaration Of Counsel signed by Special Assistant Attorney General Jacquelyn Albright.

N. No notice of submission of the rules to the Attorney General is enclosed because no persons requested notification of the date of submission of the rules to the Attorney General.

O. No affidavit of mailing of notice of submission of the rules to the Attorney General is enclosed because no such notices were given.

P. A copy of the Affidavit Of Mailing The Statement Of Need And Reasonableness To The Legislative Commission To Review Administrative Rules.

Q. No notice to the Chairs of the House Appropriations and Senate Finance Committees is enclosed because the rules do not establish or adjust fees.

R. There was no deadline to publish a notice of intent to adopt rules because these rules are discretionary. Therefore, there are no letters pursuant to Minnesota Statutes, section 14.12.

If you have any questions about the enclosed documents or if you wish to discuss anything about the rules with me, please contact me at 296-2631.

Yours very truly,

Dave Orren

Dave Orren
Rules Coordinator

enclosures

G. PA is required for 90844 or two units of 90915 when provided more frequently than once every ten (10) calendar days, and when 90843 or one unit of 90915, and 90844 or two units of 90915 are provided more frequently than one every ten (10) calendar days.

Calendar days are calculated by starting to count on the first day after rendering a service as day one (1) and counting forward for a total of five (5) or ten (10) days as applicable. Another service may not actually be provided until the sixth (6th) or eleventh (11th) day.

*5 Prior authorization is required for pain clinic programs, eating disorder, and other structured outpatient programs.

*6 Prior authorization required only when the service is performed on a patient 18 and over.

*7 Prior authorization is not required when these services are provided in the cases of still births or congenital abnormalities in children. These services, when provided to adults over 18, always require prior authorization.

*8 Prior authorization is required if this code is used more than 30 days after documented fracture.

Department of Human Services

Notice of Payment Methodology Change for Hospice Providers

The Department of Human Services will change the Medical Assistance payment methodology for payment to a hospice for residents of a skilled nursing facility or an intermediate care facility. This change is being made to comply with the requirements of the Omnibus Budget Reconciliation Act of 1989 and is effective July 1, 1990.

Beginning on July 1, 1990 the Department will pay the hospice 95 percent of the long-term care facility's payment rate for the recipient's resident class, as determined under *Minnesota Rules*, parts 9549.0010 to 9549.0080. If the facility is not subject to *Minnesota Rules*, parts 9549.0010 to 9549.0080, the Department will pay the hospice 95 percent of the recipient's certification level. Currently the Department pays the hospice 83 percent of the facility's payment rate.

The change in payment methodology is expected to increase expenditures in the Medical Assistance Program by $4,000 in FY 1991.

Additional information about this change in payment methodology may be obtained from:

Department of Human Services
Health Care Management Division
Health Care Services Policy Section
444 Lafayette Rd.
St. Paul, Minnesota 55155-3853

Department of Public Safety

Crime Victims Reparations Board

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Claim Procedures and Determination of Eligibility for Reparations

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing claim procedures for reparations. The adoption of the rule is authorized by *Minnesota Statutes*, section 611A.56, subdivision 1(b), which directs the agency to adopt rules to implement and administer the manner in which applications for reparations be made.

The State Department of Public Safety 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 to:

Fran Sepler
Crime Victims Reparations Board
N465 Griggs Midway Building
1821 University Avenue
St. Paul, MN 55104

Any written material received by the State Department of Public Safety 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.

Paul J. Tschida, Commissioner
Department of Public Safety

(C)

CERTIFICATE OF THE

MINNESOTA CRIME VICTIMS REPARATIONS BOARD

AUTHORIZING RESOLUTION

I, Nancy Johnson, do hereby certify that I am a member and the Chair of the Minnesota Crime Victims Reparations 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 Minnesota Crime Victims Reparations Board, duly and properly called and held on the 21st day of November, 1991, 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 Donna Anderson, the Executive Director of the Minnesota Crime Victims Reparations Board, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt Rules Without a Public Hearing governing claims procedures and eligibility for reparations to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of November, 1991.

Nancy Johnson

Nancy Johnson, Chair
Minnesota Crime Victims Reparations Board

Attest by one other Board Member

Martha N. Gustafson

Signature of Attesting Board Member

Martha N. Gustafson

Printed Name of Attesting Board Member

(E)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations	**NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING**

(1) **NOTICE IS HEREBY GIVEN** that the Minnesota Crime Victims Reparations Board intends to adopt the above-entitled rules 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 proposed rules is Minnesota Statutes, section 611A.56.

(2) All persons have 30 days, until 4:30 p.m., Wednesday, January 15, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Crime Victims Reparations Board no later than 4:30 p.m. on the final day of the 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 must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any 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: Marie Bibus, Minnesota Crime Victims Reparations Board, Griggs Midway Building, Room N465, 1821 University Avenue, St. Paul, MN 55104. Telephone (612)-649-5993.

(8) The proposed rules 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 rules as noticed.

(11) A free copy of the rules is available upon request from Marie Bibus at the address and telephone number listed above.

The proposed rule amendments will clarify existing rules that govern claims procedures and eligibility for reparations. The majority of the proposed amendments are based on the experiences of the Board in implementing Minnesota Statutes, sections 611A.51 to 611A.67. The proposed amendment regarding payment benefitting an offender is required to comply with changes in the federal Victims of Crime Act, 42 USC, section 10602(b)(7).

(12) A Statement Of Need And Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Marie Bibus at the address and telephone number listed above.

(14) In preparing these rules, the Board has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses.

(13) Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies. Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land. Minnesota Statutes, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

(9) If no hearing is required, upon adoption of the rules, the rules 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 rules, must submit the written request to Marie Bibus at the address and telephone number listed above.

11-21-91
Date

Donna J. Anderson
Donna Anderson, Executive Director
Crime Victims Reparations Board

(G)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations	AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

David E. Orren, being sworn says:

That on the 10th day of December, 1991, 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 State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the Department of Public Safety rulemaking mailing list. The mailing list is attached.

David E Orren
David E. Orren

Subscribed and sworn
to before me this 10 day
of December, 19 91.
Laura Nehl-Trueman
Notary Public

Laura Nehl-Trueman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-96

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Crime Victims Reparations Board intends to adopt the above-entitled rules 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 proposed rules is Minnesota Statutes, section 611A.56.

All persons have 30 days, until 4:30 p.m., Wednesday, January 15, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Crime Victims Reparations Board no later than 4:30 p.m. on the final day of the 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 must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any 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: Marie Bibus, Minnesota Crime Victims Reparations Board, Griggs Midway Building, Room N465, 1821 University Avenue, St. Paul, MN 55104. Telephone (612)-649-5993.

The proposed rules 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 rules as noticed.

A free copy of the rules is available upon request from Marie Bibus at the address and telephone number listed above.

The proposed rule amendments will clarify existing rules that govern claims procedures and eligibility for reparations. The majority of the proposed amendments are based on the experiences of the Board in implementing Minnesota Statutes, sections 611A.51 to 611A.67. The proposed amendment regarding payment benefitting an offender is required to comply with changes in the federal Victims of Crime Act, 42 USC, section 10602(b)(7).

A Statement Of Need And Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Marie Bibus at the address and telephone number listed above.

In preparing these rules, the Board has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies. Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land. Minnesota Statutes, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

If no hearing is required, upon adoption of the rules, the rules 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 rules, must submit the written request to Marie Bibus at the address and telephone number listed above.

11-21-91
Date

Donna Anderson
Donna Anderson, Executive Director
Crime Victims Reparations Board

Richard Neumeister
345 Wabasha Avenue #1008
St. Paul, MN 55102

Board of Directors 12-10-91 jn
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Maryanne V. Hruby
Executive Director
Leg. Comm./Review Admin. Rules
Room 55 State Office Bldg.
St. Paul, MN 55155

M.B.W. Company 513 Center Street
~~801 Center St.~~
New Ulm, MN 56073-3101 12-10-91 jn

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

John G. Horner
MN Multi-Housing Assoc.
4740 Park Glen Road
Mpls, MN 55416

Moore's Haven, Inc. 12-10-91 jn
3490 N. Victoria
St. Paul, MN 55~~113~~126

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Abe Rosenthal
President
MN Transport Service Association
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc. 12-10-91
Route 1, Box ~~88~~14 jn
Fulda, MN 56131-9402

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Northeast Residence, Inc.
4680 Bald Eagle Ave.
White Bear Lake, MN 55110

G. V. Welk
Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

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

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Board of Directors
Residence, Inc. 12-10-91 JR
945 Amble Road
Roseville, MN ~~55113~~ 55113

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

Juanita B. Luis
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

South Center Manor, Inc.
Park Island
Center City, MN 55012

Dev. Disabilities Pl. Office
State Planning Agency
3rd Floor Centennial Bldg.
658 Cedar Street
St. Paul, MN 55155

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Willmar Nursing Home, Inc.
P.O. Box ~~1446~~ 4990
~~Willmar~~, MN ~~56201~~ 56209
Atwater 12-10-91 JR

Windom CRF, Inc.
P.O. Box 123
Windom, MN 56101

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

H. LeRoy DeBoom
3945 Zarthan Ave.
Mpls, MN 55416

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1235 Jefferson Davis Hwy #1410
Arlington VA 22202

William Carter
Director, POST Board
1600 University Avenue
Suite 200
St. Paul, MN 55104-3825

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Joseph G. Beaton, Jr.
Attorney at Law
3109 Hennepin Ave. So.
Mpls, MN 55408

Mark Groettum
Attorney At Law
311 E. Howard St., Box 764
Hibbing, MN 55746

Mary Stanton
Staff Associate/Finance
407 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101

Samuel A. McCloud
5101 Hightway 55 #1000
Minneapolis, MN 55422

Terry L. Mitchell
Hage & Mitchell Atty's. At Law
334 West Parkdale Plaza
1660 South Highway 100
Minneapolis, MN 55416

Larry Plack
Fire Marshals of Minnesota
3400 Plymouth Blvd.
Plymouth, MN 55447

Donald H. Nichols
Nichols, Stark, Kaster
4644 IDS Center
Mpls., MN 55402

Mark Anfinson
Lake Calhoun Professional Building
3109 Hennipin Avenue
Minneapolis, MN 55408

Carla M. Riehle
1277 Fremont Avenue
St. Paul, MN 55106

Thomas J. Doyle, Felhaber,
Larson, Fenlon & Vogt, P.A.
900 Meritor Tower
444 Cedar Street
St. Paul, MN 55101

Kim Knutson
10 South 5th St. #880
Minneapolis, MN 55402-1002

David Wexler
1465 Shelard Tower
St. Louis Park, MN 55426

David R. Newcomb
7368 Orchid Lane 202
Maple Grove, MN 55369

Tony Rosini
5353 Gamble Drive, Suite 150
Minneapolis, MN 55416

Huer and Associates
Robert Owens
10 South 5th Street #480
Minneapolis, MN 55402-1004

Fred Bruno, Attorney
~~2736 Hennepin Avenue South~~ 5500 Wayzata Blvd. #75
Minneapolis, MN ~~55408~~
12-10-91 JR 55416-1256

Dan Wexler
2620 Nicollet Avenue
Minneapolis, MN 55408

Jerome Holmay
Attorney at Law
550 South Snelling, Suite 104
St. Paul, MN 55116

Selander and Reese
207 South 8th Street
Olivia, MN 56277

John C. DeMoss, Attorney
4749 Chicago Avenue So.
Minneapolis, MN 55407

Steve Thal
Rossini and Associates
5424 Shoreline Drive
P.O. Box 9
Mound, MN 55364

Brent Primus
432 Norwest Midland Bldg.
Minneapolis, MN 55401

Nord and Unger Law Office
P.O. Box 590
Montevideo, MN 56265

R. Donald Kelly 12-10-91 JR
2150 Third Street, Suite 2
White Bear Lake, MN 55110

Victor A. Coursolle
4816 West 102nd Street
Bloomington, MN 55437

Barry McKee
324 South Main Street
Stillwater, MN 55082

Nelson and Nelson
2277 Highway 36
Frontage Road, Suite 244
Roseville, MN 55113-3817

Nelson, Casey, Tripp and Dow
P.O. Box 545
Owatonna, MN 55060

Ed Simonet, III PO Box 16
~~522 So. 4th Street~~
Stillwater, MN 55082

Attorney Thomas Manion
P.O. Box 420
Lanesboro, MN 55949

Bill Kueffner
Suite 401
Norwest Bank Building
Hopkins, MN 55343

John Renckens
Suite 770
6465 Wayzata Blvd.
Minneapolis, MN 55426

Barry M. Robinson
Burke and Hawkins
299 Coon Rapids Blvd, Suite 101
Coon Rapids, MN 55433

Tom Johnson
Johnson, McClay and Nelson
951 Grand Avenue
St. Paul, MN 55105

Teresa Joppa
City of Moorhead
P.O. Box 779
Moorhead, MN 56560

Steve Borud
Probation Office
Court House
Grand Marais, MN 55604

David Borchardt
330 South Oak Avenue
P.O. Box 676
Owatonna, MN 55060

Robert Eelkema
Legal Counsel
Minnesota Medical Association
2221 Univ. Ave. S.E., Suite 400
Minneapolis, MN 55414

Gordon Patterson
Attorney at Law
P.O. Box 124
Marshall, MN 56258

Ronald J. Johnson
33 10th Avenue South
Suite 200
Hopkins, MN 55343

Kevin Green
211 Grais Building
P.O. Box 3044
Mankato, MN 56002-3044
12-10-91 JR

Scott Suter
24 Dell Place
Minneapolis, MN 55403

Loran Magsan
33 4th Street N.W.
Osseo, MN 55369

Association of MN Counties
525 Park Street
Suite 300
St. Paul, MN 55103

Kurt Dedeter
700 Norwest Center
St. Cloud, MN 56301

Suzanne Brandon
108 Farmdale Road E.
Hopkins, MN 55343

William Pribbla
13100 Wayzato Boulevard
Suite 120
Minnetonka, MN 55343

William Harper
Harper & Anderson Chartered
7200 80th Street South
Cottage Grove, MN 55016

Timothy Brausen
247 3rd Avenue South
Minneapolis, MN 55415

Herbert C. Kroon
P.O. Box 818
Mankato, MN 56002

Thomas Gmeinder
801 Selby Avenue
St. Paul, MN 55104

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations

AFFIDAVIT OF CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Joan Lundberg, being sworn says:

I hereby certify that the attached list is of persons and associations who have requested that their names be placed on the Department of Public Safety rulemaking mailing list, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, 14.22, or 14.30. I certify that this list is accurate, complete, and current as of the 10th day of December, 1991.

Joan M. Lundberg
Joan Lundberg

Subscribed and sworn to before me this 10th day of December, 19 91.

David E Orren
Notary Public

DAVID E. ORREN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires May 4, 1992

Richard Neumeister
345 Wabasha Avenue #1008
St. Paul, MN 55102

Board of Directors 12-90-91 JN
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Maryanne V. Hruby
Executive Director
Leg. Comm./Review Admin. Rules
Room 55 State Office Bldg.
St. Paul, MN 55155

M.B.W. Company 513 Center Street
~~801 Center St.~~
New Ulm, MN 56073-3101 12-10-91 JN

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

John G. Horner
MN Multi-Housing Assoc.
4740 Park Glen Road
Mpls, MN 55416

Moore's Haven, Inc. 12-10-91 JN
3490 N. Victoria
St. Paul, MN 55~~113~~126

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Abe Rosenthal
President
MN Transport Service Association
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc. 12-10-91
Route 1, Box ~~68~~14 JN
Fulda, MN 56131-9402

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Northeast Residence, Inc.
4680 Bald Eagle Ave.
White Bear Lake, MN 55110

G. V. Welk
Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

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

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Board of Directors
Residence, Inc. 12-10-91 JM
945 Amble Road
Roseville, MN ~~55113~~ 55113

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

Juanita B. Luis
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

South Center Manor, Inc.
Park Island
Center City, MN 55012

Dev. Disabilities Pl. Office
State Planning Agency
3rd Floor Centennial Bldg.
658 Cedar Street
St. Paul, MN 55155

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Willmar Nursing Home, Inc.
P.O. Box ~~1446~~ 4990
~~Willmar~~, MN ~~56201~~ 56209
Atwater
12-10-91 JR

Windom CRF, Inc.
P.O. Box 123
Windom, MN 56101

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

H. LeRoy DeBoom
3945 Zarthan Ave.
Mpls, MN 55416

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1235 Jefferson Davis Hwy #1410
Arlington VA 22202

William Carter
Director, POST Board
1600 University Avenue
Suite 200
St. Paul, MN 55104-3825

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Joseph G. Beaton, Jr.
Attorney at Law
3109 Hennepin Ave. So.
Mpls, MN 55408

Mark Groettum
Attorney At Law
311 E. Howard St., Box 764
Hibbing, MN 55746

Mary Stanton
Staff Associate/Finance
407 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101

Samuel A. McCloud
5101 Hightway 55 #1000
Minneapolis, MN 55422

Terry L. Mitchell
Hage & Mitchell Atty's. At Law
334 West Parkdale Plaza
1660 South Highway 100
Minneapolis, MN 55416

Larry Plack
Fire Marshals of Minnesota
3400 Plymouth Blvd.
Plymouth, MN 55447

Donald H. Nichols
Nichols, Stark, Kaster
4644 IDS Center
Mpls., MN 55402

Mark Anfinson
Lake Calhoun Professional Building
3109 Hennipin Avenue
Minneapolis, MN 55408

Carla M. Riehle
1277 Fremont Avenue
St. Paul, MN 55106

Thomas J. Doyle, Felhaber,
Larson, Fenlon & Vogt, P.A.
900 Meritor Tower
444 Cedar Street
St. Paul, MN 55101

Kim Knutson
10 South 5th St. #880
Minneapolis, MN 55402-1002

David Wexler
1465 Shelard Tower
St. Louis Park, MN 55426

David R. Newcomb
7368 Orchid Lane 202
Maple Grove, MN 55369

Tony Rosini
5353 Gamble Drive, Suite 150
Minneapolis, MN 55416

Huer and Associates
Robert Owens
10 South 5th Street #480
Minneapolis, MN 55402-1004

Fred Bruno, Attorney
~~2736 Hennepin Avenue South~~ 5500 Wayzata Blvd. #75
Minneapolis, MN ~~55408~~
12-10-91 gn 55416-1256

Dan Wexler
2620 Nicollet Avenue
Minneapolis, MN 55408

Jerome Holmay
Attorney at Law
550 South Snelling, Suite 104
St. Paul, MN 55116

Selander and Reese
207 South 8th Street
Olivia, MN 56277

John C. DeMoss, Attorney
4749 Chicago Avenue So.
Minneapolis, MN 55407

Steve Thal
Rossini and Associates
5424 Shoreline Drive
P.O. Box 9
Mound, MN 55364

Brent Primus
432 Norwest Midland Bldg.
Minneapolis, MN 55401

Nord and Unger Law Office
P.O. Box 590
Montevideo, MN 56265

R. Donald Kelly 12-10-91 JR
2150 Third Street, Suite 2
White Bear Lake, MN 55110

Victor A. Coursolle
4816 West 102nd Street
Bloomington, MN 55437

Barry McKee
324 South Main Street
Stillwater, MN 55082

Nelson and Nelson
2277 Highway 36
Frontage Road, Suite 244
Roseville, MN 55113-3817

Nelson, Casey, Tripp and Dow
P.O. Box 545
Owatonna, MN 55060

Ed Simonet, III PO Box 16
~~522 So. 4th Street~~
Stillwater, MN 55082

Attorney Thomas Manion
P.O. Box 420
Lanesboro, MN 55949

Bill Kueffner
Suite 401
Norwest Bank Building
Hopkins, MN 55343

John Renckens
Suite 770
6465 Wayzata Blvd.
Minneapolis, MN 55426

Barry M. Robinson
Burke and Hawkins
299 Coon Rapids Blvd, Suite 101
Coon Rapids, MN 55433

Tom Johnson
Johnson, McClay and Nelson
951 Grand Avenue
St. Paul, MN 55105

Teresa Joppa
City of Moorhead
P.O. Box 779
Moorhead, MN 56560

Steve Borud
Probation Office
Court House
Grand Marais, MN 55604

David Borchardt
330 South Oak Avenue
P.O. Box 676
Owatonna, MN 55060

Robert Eelkema
Legal Counsel
Minnesota Medical Association
2221 Univ. Ave. S.E., Suite 400
Minneapolis, MN 55414

Gordon Patterson
Attorney at Law
P.O. Box 124
Marshall, MN 56258

Ronald J. Johnson
33 10th Avenue South
Suite 200
Hopkins, MN 55343

Kevin Green
211 Grais Building
P.O. Box 3044
Mankato, MN 56002-3044
12-10-91 JR

Scott Suter
24 Dell Place
Minneapolis, MN 55403

Loran Magsan
33 4th Street N.W.
Osseo, MN 55369

Association of MN Counties
525 Park Street
Suite 300
St. Paul, MN 55103

Kurt Dedeter
700 Norwest Center
St. Cloud, MN 56301

Suzanne Brandon
108 Farmdale Road E.
Hopkins, MN 55343

William Pribbla
13100 Wayzato Boulevard
Suite 120
Minnetonka, MN 55343

William Harper
Harper & Anderson Chartered
7200 80th Street South
Cottage Grove, MN 55016

Timothy Brausen
247 3rd Avenue South
Minneapolis, MN 55415

Herbert C. Kroon
P.O. Box 818
Mankato, MN 56002

Thomas Gmeinder
801 Selby Avenue
St. Paul, MN 55104

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations

AFFIDAVIT OF MAILING DISCRETIONARY NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

David E. Orren, being sworn says:

That 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 State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations that have expressed, to the agency, interest in this rulemaking proceeding, and to persons and associations as practical to improve the notification of all parties that might be interested in this rulemaking proceeding. These persons and associations are listed on the attached list.

That on the 10th day of December, 1991, I mailed a copy of the Notice of Intent to Adopt Rules Without a Public Hearing to each person and association on the attached list.

David E Orren
David E. Orren

Subscribed and sworn
to before me this 10 day
of December, 19 91.

Laura Nehl-Trueman
Notary Public

Laura Nehl-Trueman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-96

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Crime Victims Reparations Board intends to adopt the above-entitled rules 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 proposed rules is Minnesota Statutes, section 611A.56.

All persons have 30 days, until 4:30 p.m., Wednesday, January 15, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Crime Victims Reparations Board no later than 4:30 p.m. on the final day of the 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 must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any 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: Marie Bibus, Minnesota Crime Victims Reparations Board, Griggs Midway Building, Room N465, 1821 University Avenue, St. Paul, MN 55104. Telephone (612)-649-5993.

The proposed rules 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 rules as noticed.

A free copy of the rules is available upon request from Marie Bibus at the address and telephone number listed above.

The proposed rule amendments will clarify existing rules that govern claims procedures and eligibility for reparations. The majority of the proposed amendments are based on the experiences of the Board in implementing Minnesota Statutes, sections 611A.51 to 611A.67. The proposed amendment regarding payment benefitting an offender is required to comply with changes in the federal Victims of Crime Act, 42 USC, section 10602(b)(7).

A Statement Of Need And Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Marie Bibus at the address and telephone number listed above.

In preparing these rules, the Board has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies. Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land. Minnesota Statutes, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

If no hearing is required, upon adoption of the rules, the rules 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 rules, must submit the written request to Marie Bibus at the address and telephone number listed above.

11-21-91
Date

Donna Anderson
Donna Anderson, Executive Director
Crime Victims Reparations Board

BOIS FORTE RESERVATION INTER. PROG
ATTN: LORETTA KNUTSON
P.O. Box 16
Nett Lake, MN 55772

ADVOCATES AGAINST DOMESTIC ABUSE
ATTN: MARILYN ROSSMAN
Courthouse
Grand Rapids, MN 55744

BRENDA PAUTSCH
SIBLEY COUNTY COURT SERVICES
P.O. Box 405
Gaylord, MN 55334

AITKIN COUNTY WOMENS ADVOCATES
ATTN: SANDY SILVER
P.O. Box 153
Aitkin, MN 56431

CADA HOUSE
ATTN: CATHERINE GRAHAM
P.O. Box 466
Mankato, MN 56001

ALEXANDRA HOUSE
ATTN: PAT PRINZEVALLE
P.O. Box 194
Circle Pines, MN 55014

CAROL BRUSKE
ST. PAUL INTERVENTION PROJECT
435 Aldine
St. Paul, MN 55104

ARROWHEAD VICTIM SERVICES
300 So. 5th Ave. - Ste. 222
Virginia, MN 55792

CASA DE ESPERANZA
ATTN: PAMELA ZELLER
P.O. Box 75177
St. Paul, MN 55175

B. ROBERT LEWIS HOUSE
ATTN: MARY AJAX
4345 Nicols Road
Eagan, MN 55122

CATHY HANSEN
WADENA COUNTY VICTIM/WITNESS PROG.
122 SW Lincoln Avenue
Wadena, MN 56482

BARB KANTOROWICZ
FAMILY VIOLENCE NETWORK
P.O. Box 854
Lake Elmo, MN 55042

CENTRAL MN SEXUAL ASSAULT CENTER
ATTN: DENISE ROWE
601 - 1/2 Mall Germain - Ste. 204
St. Cloud, MN 56301

BARBARA JEAN KIFFE
DAKOTA SEXUAL ASSAULT SERVICE
15025 Glazier Ave.
Apple Valley, MN 55124

CENTRAL MN TASK FORCE/BATTERED WOM.
ATTN: ROSE BUGG
Star Route, Box 226
Onamia, MN 56359

BIHA: WOMEN IN ACTION
ATTN: ALICE LYNCH
122 W. Franklin Ave. - Ste. 306
Minneapolis, MN 55404

CHARLOTTE O'CONNELL
SECOND JUDICIAL DISTRICT
845 Ramsey County Courthouse
St. Paul, MN 55102

CLUES
ATTN: ROBERTO AVINA
220 So. Robert - Ste. 103
St. Paul, MN 55107

COMMUNITY UNIVERSITY HEALTH CARE
ATTN: SUE KNOLLENBERG
1919 University Ave - 5th Floor
St. Paul, MN 55104

COMMUNITY UNIVERSITY HEALTH CARE
ATTN: TOM CARRILLO
2016 - 16th Ave. South
Minneapolis, MN 55404

CONTACTS - STEELE COUNTY
ATTN: JACKIE OSTLUND
P.O. Box 524
Owatonna, MN 55060

COOK COUNTY WOMENS COLLECTIVE
ATTN: JULIE LESSARD
P.O. Box 134
Grand Marais, MN 55604

CORNERSTONE ADVOCACY SERVICE
ATTN: SUSAN NEIS
2131 W. Old Shakopee Road
Bloomington, MN 55431

DAKOTA COUNTY VICTIM/WITNESS PROG.
DAKOTA COUNTY ATTORNEY'S OFFICE
County Government Center
Hastings, MN 55033

DEB TINTOR
ST. LOUIS COUNTY ATTORNEYS OFFICE
222 Courthouse
Virginia, MN 55792

DEBBIE SAUKE
FREEBORN COUNTY CRISIS CENTER
P.O. Box 649
Albert Lea, MN 56007

DEBRA KULTALA
WRIGHT COUNTY VICTIM/WITNESS PROG.
Courthouse/ 10 NW 2nd Street
Buffalo, MN 55313

DEE ELWOOD
MOTHERS AGAINST DRUNK DRIVING
450 No. Syndicate - #130
St. Paul, MN 55104

DIVISION OF INDIAN WORK
ATTN: DON CHAPIN
3045 Park Ave. So.
Minneapolis, MN 55407

DOMESTIC ABUSE INTERVENTION PROJECT
ATTN: ELLEN PENCE
206 W. 4th Street
Duluth, MN 55806

DOMESTIC ABUSE PROJECT
ATTN: CAROL ARTHUR
204 W. Franklin Ave.
Minneapolis, MN 55404

DONNA DUNN
VICTIM/WITNESS ASSISTANCE PROGRAM
Olmsted County Courthouse
Rochester, MN 55902

FAMILY AND CHILDRENS SERVICES
ATTN: MOLLY GREENMAN
414 So. 8th Street
Minneapolis, MN 55404

FILLMORE FAMILY RESOURCES
ATTN: LEE ANN HOWE
P.O. Box 303
Preston, MN 55965

FRIENDS AGAINST ABUSE
ATTN: DEBBIE CSOMOS
P.O. Box 1271
International Falls, MN 56649

GAIL WIK
DEPARTMENT OF CORRECTIONS
300 Bigelow Building
St. Paul, MN 55104

GAY AND LESBIAN COMM. ACTION COUNC.
ATTN: Patti Abbott
310 E. 38th St. - #204
Minneapolis, MN 55409

HARRIET TUBMAN WOMENS SHELTER
ATTN: BEVERLY DUSSO
P.O. Box 7026
Minneapolis, MN 55407

HEALTH START
ATTN: NANCY HAROLD
640 Jackson Street
St. Paul, MN 55101

HELP OF PINE COUNTY
ATTN: SUE BELL
940 Sixth Street
Pine City, MN 55063

HOPKINS PROJECT / SOJOURNER SHELTER
ATTN: SANDRA HYNE
P.O. Box 272
Hopkins, MN 55343

HOUSTON COUNTY WOMENS RESOURCES
ATTN: JOANN THOMAS
424 No. Pine Street - #2
Caledonia, MN 55921

HUBBARD COUNTY BATTERED WOMENS SERV
ATTN: AUDREY IVERSON
P.O. Box 564
Park Rapids, MN 56470

INSTITUTE ON BLACK CHEMICAL ABUSE
ATTN: SOLIMOH MAJEED
2614 Nicollet Ave. S.
Minneapolis, MN 55408

JAN HODAPP
ARROWHEAD VICTIM SERVICES
222 Courthouse
Virginia, MN 55792

JAY KUECHENMEISTER
WOODBURY POLICE DEPARTMENT
2100 Radio Drive
Woodbury, MN 55125

JIM PETERSON
SCOTT COUNTY ATTORNEYS OFFICE
Courthouse 206
Shakopee, MN 55379

JUDITH S. VOSBEEK
BLUE EARTH COUNTY VICTIM/WITNESS
410 So. 5th St. / P.O. Box 8608
Mankato, MN 56001

KAREN JAMBOR
U.S. ATTORNEYS OFFICE
110 So. 4th Street - #234
Minneapolis, MN 55401

MICHELE VALLETTA
OLMSTED COUNTY VICTIM/WITNESS
515 Second St. SW
Rochester, MN 55902

KOOCHICHING SEXUAL ASSAULT SERVICES
ATTN: BRENDA CROWE
615 No. 4th Street - #273
International Falls, MN 56649

MICKY COOK
HENNEPIN COUNTY ATTORNEY'S OFFICE
C-2000 Government Center
Minneapolis, MN 55487

LAKES CRISIS CENTER
ATTN: CINDY ANDERSON
P.O. Box 394
Detroit Lakes, MN 56502

MID-MINNESOTA WOMENS CENTER
P.O. Box 602
Brainerd, MN 56401

LISTENING EAR CRISIS CENTER
ATTN: HARRIET HOPKINS
111 - 17th Ave. E.
Alexandria, MN 56308

MIGRANT HEALTH SERVICES
ATTN: JOAN ALTENBERND
810 - 4th Ave. South
Moorhead, MN 56560

MARJORY SINGHER
SEXUAL OFFENSE SERVICES/RAMSEY CTY.
1619 Dayton Avenue - #201
St. Paul, MN 55104

MILLE LACS INTERVENTION PROJECT
ATTN: VONNIE OLSON
P.O. Box 42
Milaca, MN 56353

MARY BIERMAIER
RAMSEY COUNTY ATTORNEY'S OFFICE
350 St. Peter Street - Ste. 540
St. Paul, MN 55102

MIN-NO-AYA-WIN SERVICES
ATTN: JULIE JAAKOLA
927 Trettel Lane
Cloquet, MN 55720

MARY BRADSHAW
VICTIMS CRISIS CENTER - MOWER CTY.
101 - 14th St. NW
Austin, MN 55912

MN CITIZENS COUNCIL/CRIME & JUSTICE
ATTN: SHARON MOELLER
822 S. Third St. - Suite 100
Minneapolis, MN 55415

MARY WALDKIRCH
WASHINGTON COUNTY ATTORNEYS OFFICE
14900 - 61st St. N.
Stillwater, MN 55082

MN CITIZENS COUNCIL/CRIME & JUSTICE
ATTN: RUSS STRICKER
822 South 3rd St. - Suite 100
Minneapolis, MN 55415

MN COALITION - SEXUAL ASSAULT SERV.
ATTN: JACQUI CLARK
333 Washington Ave. N. - Room 401
Minneapolis, MN 55401

MN COALITION FOR BATTERED WOMEN
ATTN: MARSHA FREY
570 Asbury Street - #201
St. Paul, MN 55104

MODEL CITIES HEALTH CLINIC
ATTN: GLORIA THOMAS
430 No. Dale St.
St. Paul, MN 55103

MORRISON CTY. S.A./NO. PINES M.H.
ATTN: MELANIE HAGSTROM BESEMAN
Route 5, Box 257
Little Falls, MN 56345

NANCY LIBMAN
RAMSEY COUNTY DOMESTIC ABUSE PROG.
845 Ramsey County Courthouse
St. Paul, MN 55102

NEIGHBORHOOD INVOLVEMENT PROGRAM
ATTN: DANIEL HAUGEN
2431 Hennepin Ave. S.
Minneapolis, MN 55405

NEW WOMEN AGAINST VIOLENCE
ATTN: LAURIE COLBECK
921 - 4th Avenue
Worthington, MN 56187

NONA LINDBERG
FREEBORN COUNTY VICTIM CENTER
P.O. Box 1246
Albert Lea, MN 56007

NORTH SHORE HORIZONS WOMENS CENTER
ATTN: AUDREY MISMASH
P.O. Box 205
Two Harbors, MN 55616

NORTHLAND MENTAL HEALTH CENTER
ATTN: JACK VELZEN
215 SE Second Ave.
Grand Rapids, MN 55744

NORTHWOODS COALITION/BATTERED WOMEN
ATTN: KAREN JANOV
P.O. Box 563
Bemidji, MN 56601

PARENTS ANONYMOUS OF MINNESOTA
ATTN: JOCELYN TILSEN
265 Oneida
St. Paul, MN 55102

PAT RONKEN
DAKOTA COUNTY ATTORNEYS OFFICE
1560 W. Highway 55
Hastings, MN 55033

PAT TEIKEN
FAMILY VIOLENCE NETWORK
P.O. Box 854
Lake Elmo, MN 55042

PHYLLIS WHEATLEY COMMUNITY CENTER
919 Fremont Ave. N.
Minneapolis, MN 55411

POLK COUNTY VICTIM/WITNESS PROGRAM
ATTN: HEIDI LENOUE
223 E. 7th Street
Crookston, MN 56716

RURAL WOMENS ADVOCATES
ATTN: BETH ANDERSON
1412 Summit Ave.
Cloquet, MN 55720

PROGRAM/AID TO VICTIMS SEXUAL ASST.
ATTN: SUSAN ASKELIN
424 W. Superior St. / 202 Ordean Bd
Duluth, MN 55802

SANDRA WARMANEN
CRIMINAL DIV. - ATTY. GENERAL OFF.
117 University Ave. / Ford Bldg.
St. Paul, MN 55155

PROYECTO AYUDA CENTRO LEGAL, INC.
ATTN: AMAYA MAURA
2929 - 4th Ave. So.
Minneapolis, MN 55408

SARA SCHLAUDERAFF
CHISAGO COUNTY ATTORNEYS OFFICE
Courthouse
Center City, MN 55012

RANGE WOMENS ADVOCATES
ATTN: GLORIA BOWEN
P.O. Box 2
Chisholm, MN 55719

SEXUAL ASSAULT CNTR./ST. FRANCIS
ATTN: DIRECTOR
325 W. 5th Street
Shakopee, MN 55379

RAPE AND ABUSE CRISIS CENTER
ATTN: BETH HASELTINE
P.O. Box 2984
Fargo, ND 58108

SEXUAL ASSAULT PROGRAM - BEMIDJI
ATTN: DANNA FARABEE
P.O. Box 1472
Bemidji, MN 56601

RE-ENTRY METRO/SHAKOPEE PRISON PROJ
ATTN: SUZANNE KOCH
444 W. Lynnhurst
St. Paul, MN 55104

SEXUAL ASSAULT SERV./CROW WING CTY.
ATTN: NANCY HIRSCHENBERGER
217 South 7th Street - #112
Brainerd, MN 56401

REGION IV COUNCIL ON DOMESTIC VIOL.
ATTN: DIANNE LONG
P.O. Box 815
Fergus Falls, MN 56537

SEXUAL ASSAULT SERVICES
ATTN: KAREN HOGANDORF
7066 Stillwater Blvd. N.
Oakdale, MN 55128

RICE COUNTY SEXUAL ASSAULT SERVICES
ATTN: SHERYL HUFF
Box 157
Zumbrota, MN 55992

SEXUAL ASSAULT SERVICES - MANKATO
ATTN: MARY DOWD
410 So. 5th Street
Mankato, MN 56001

SEXUAL ASST. PROG/NO. ST. LOUIS CTY
ATTN: AUTUMN COLE
335 - 1/2 Chestnut Street
Virginia, MN 55792

ST. CLOUD INTERVENTION PROJECT
ATTN: ROSE THELEN
523 Mall Germain - Ste. 210
St. Cloud, MN 56301

SEXUAL VIOLENCE CENTER
ATTN: NANCY BIELE
1222 West 31st Street
Minneapolis, MN 55408

ST. PAUL INTERVENTION PROJECT
1509 Marshall Ave.
St. Paul, MN 55104

SHELTER HOUSE
ATTN: MARY LINDSTROM
P.O. Box 787
Willmar, MN 56201

THE REFUGE
ATTN: LONA LUSSIER
P.O. Box 323
Cambridge, MN 55008

SHONA DOCKTER
MOTHERS AGAINST DRUNK DRIVING
450 No. Syndicate St. - #130
St. Paul, MN 55104

UNION CITY MISSION/HOME FREE SHELT.
ATTN: MARY MONTEON
3409 E. Medicine Lake Blvd.
Plymouth, MN 55441

SOUTHERN MN REGIONAL LEGAL SERVICES
ATTN: LORETTA FREDERICK
66 Plaza East
Winona, MN 55987

VICTIM/WITNESS PROGRAM
ATTN: LOIS HACKBARTH
1412 - 15th Ave. NW
Rochester, MN 55901

SOUTHERN VALLEY ALLIANCE
ATTN: MARY ANNE BIGAOUETTE
P.O. Box 102
Belle Plaine, MN 56011

VIOLENCE INTERVENTION PROJECT
ATTN: ALYCE POLLICK
P.O. Box 96
Thief River Falls, MN 56701

SOUTHWEST MN SEXUAL ASSAULT PROGRAM
ATTN: GWENN JOHNSON
P.O. Box 51
Marshall, MN 56258

W.I.N.D.O.W.
ATTN: KAREN EVERETT
P.O. Box 545
Sandstone, MN 55072

SOUTHWEST WOMENS SHELTER
ATTN: BARBARA ANDERSON
210 So. First Street
Marshall, MN 56258

WASHINGTON COUNTY VICTIM/WITNESS
ATTN: KATHLEEN KARNOWSKI
14900 - 61st St. No.
Stillwater, MN 55082

WEST CENTRAL COMMUNITY SERVICES
SEXUAL ASSAULT PROGRAM
1125 SE 6th Street
Willmar, MN 56201

WILLIE BRIDGES
HENNEPIN COUNTY ATTORNEYS OFFICE
701 - 4th Ave. So. - #350
Minneapolis, MN 55415

WOMAN HOUSE SHELTER
ATTN: MAXINE BARNETT-CERMELE
P.O. Box 195
St. Cloud, MN 56301

WOMEN OF NATIONS
ATTN: YVONNE LEITH
P.O. Box 40309
St. Paul, MN 55104

WOMENS ADVOCATES
ATTN: LISBETH WOLF
584 Grand Avenue
St. Paul, MN 55102

WOMENS COALITION/REGION 3 COUNCIL
ATTN: TRICIA O'KEEFE
P.O. Box 3558
Duluth, MN 55803

WOMENS RESOURCE CENTER
ATTN: CONNIE BELDEN
51 E. 4th Street - #9 Exchange Bldg
Winona, MN 55987

WOMENS SHELTER, INC/ OLMSTED COUNTY
ATTN: JUDY MILLER
P.O. Box 117
Rochester, MN 55903

Subp. 6. **Special conditions.**

A. Monitoring, testing, and reporting.

(1) On-land facilities shall monitor, test, and report the flow rate and the pollutant concentrations of the discharge. The mass of a pollutant discharged shall be determined by multiplying the flow rate by the pollutant concentration.

(2) In situ facilities shall monitor, test, and report dry mass and composition by percentage of all materials added to and removed from the waters in the facility. The mass of a pollutant discharged shall be determined as the difference between:

(a) the dry mass multiplied by the percentage composition of the materials added; and

(b) the dry mass multiplied by the percentage composition of the materials removed.

The materials to be monitored, tested, and reported include, but are not limited to, aquatic animal production, fish food used, waste fish food, filter backwash, sludges, sediments, and other accumulated solids.

(3) The commissioner may require the permittee to monitor receiving waters to determine natural background levels and baseline quality and to determine compliance with state and federal antidegradation and water quality standard requirements. The monitoring shall consider natural seasonal and year-to-year variations in background levels and baseline quality.

B. Collection and disposal of aquatic animal mortalities and blood. The permittee shall transport aquatic animal mortalities for rendering or disposal at a land-based facility. Aquatic animal mortalities shall not be disposed of in waters of the state. The permittee shall prevent blood produced through harvest of aquatic animals from entering waters of the state untreated. The blood generated shall be transported to a land-based rendering or disposal facility approved by the commissioner, or discharged to a publicly owned treatment works in accordance with the applicable publicly owned treatment works NPDES/SDS permit.

C. Record keeping. The permittee shall maintain an operation record book of daily operations and other occurrences that may affect water quality, including, but not limited to, addition of fish food, composition of fish food, aquatic animal transfers and harvests, cleaning, mortalities, major weather events, and power failures. The operation record book shall be available at all times for inspection and copying by the commissioner.

D. Annual report. Each year, the permittee shall submit an annual report to the commissioner. The report shall include:

(1) a general description of the operations conducted for the past calendar year;

(2) a summary of the monitoring data;

(3) the mass of aquatic animals currently at the facility;

(4) aquatic animal production at the facility for the past calendar year;

(5) methods, amounts, and locations of the removal and disposal of waste fish food, filter backwash, sludges, sediments, mortalities, and other accumulated solids generated at the facility; and

(6) proposed changes in operation and/or production for the coming year.

E. Water treatment and chemical additives. The discharge of water treatment and chemical additives shall not be in toxic amounts, cause adverse human health concerns, or violate water quality standards.

Department of Public Safety

Proposed Permanent Rules Relating to Eligibility and Claims Procedures for Reparations

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Crime Victims Reparations Board intends to adopt the above-entitled rules 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 proposed rules is *Minnesota Statutes*, section 611A.56.

All persons have 30 days, until 4:30 p.m., Wednesday, January 15, 1992, in which to submit comment in support of or in opposition

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.

to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Crime Victims Reparations Board no later than 4:30 p.m. on the final day of the 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 must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any 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: Marie Bibus, Minnesota Crime Victims Reparations Board, Griggs Midway Building, Room N465, 1821 University Avenue, St. Paul, MN 55104. Telephone (612) 649-5993.

The proposed rules 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 rules as noticed.

A free copy of the rules is available upon request from Marie Bibus at the address and telephone number listed above.

The proposed rule amendments will clarify existing rules that govern claims procedures and eligibility for reparations. The majority of the proposed amendments are based on the experiences of the Board in implementing *Minnesota Statutes*, sections 611A.51 to 611A.67. The proposed amendment regarding payment benefitting an offender is required to comply with changes in the federal Victims of Crime Act, 42 USC, section 10602(b)(7).

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Marie Bibus at the address and telephone number listed above.

In preparing these rules, the Board has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land. *Minnesota Statutes*, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

If no hearing is required, upon adoption of the rules, the rules 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 rules, must submit the written request to Marie Bibus at the address and telephone number listed above.

Dated: 21 November 1991

Donna Anderson, Executive Director
Crime Victims Reparations Board

Rules as Proposed

7505.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Adult.** "Adult" means a person who is 21 years of age or older.

[For text of subps 2 and 3, see M.R.]

Subp. 5. **Witness.** "Witness" means a person who was present at the scene of a crime and personally saw or heard the crime.

Subp. 6. **Net income.** "Net income" means gross income minus federal, state, and social security taxes and any wage deductions for benefits or union dues.

Subp. 7. **Family or household members.** "Family or household members" means spouses, former spouses, parents, children, grandparents, siblings, persons who are presently residing together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

7505.0750 BOARD DETERMINATION OF FULL COOPERATION.

Subpart 1. **Board finding of full cooperation.** The board, in determining whether a victim or claimant has fully cooperated with law enforcement and prosecutorial authorities, shall consider items A and B as necessary for an affirmative finding.

A. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have made a reasonable effort to comply with any specific and direct requests that law enforcement professionals made a reasonable effort to communicate to them.

B. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have cooperated from the time the crime was reported, during the entire time the investigation remains active, and through all prosecution proceedings.

Subp. 2. **Ability to cooperate.** The board may not deny benefits on the basis that the victim or claimant did not fully cooperate unless the board finds that the victim or claimant was able to cooperate at the time the cooperation was requested. In determining whether a victim or claimant was able to cooperate, the board shall consider physical or mental impairments or disabilities that might have affected the victim or claimant's ability to respond to the requests.

7505.3100 LOSS OF SUPPORT.

Subpart 1. **Determination of amount.** To calculate compensation for the loss of support to a dependent of a deceased victim, the board must take the monthly net income of the victim and divide it by the number of surviving dependents. This amount must be decreased by payments received from collateral sources by the dependent, including social security and AFDC benefits. If the victim's dependents are eligible for social security benefits as a result of the victim's death, then the monthly amount which the board may pay to each dependent must not exceed the monthly rate the dependent is eligible to receive from the Social Security Administration.

Subp. 2. **Employed spouse.** If the victim's spouse was employed at the time of the crime, the amount of loss of support to be paid to the spouse shall be reduced by a percentage equal to the spouse's income divided by the total income of the victim and the spouse.

Subp. 3. **Net income.** The board shall determine the net income of the victim using the following:

A. net income of the deceased during the previous 12 months as documented by tax returns, W-2's, employer records, signed contracts or receipts, or other government agency records;

B. the total amount of other government benefits received by the victim, including AFDC payments, food stamps, and housing grants; and

C. if the claimant and the victim were divorced, court-ordered child support and alimony payments in the monthly amount that the victim had been ordered to pay.

7505.3200 LOSS OF INCOME.

Subpart 1. **Computation of lost income: employed victim.** If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed.

Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2.

Subp. 2. **Computation of lost income: victim self-employed or unemployed.** If the victim was self-employed or unemployed at the time of the crime for which the claim has been filed, loss of income must be calculated at a rate which is based upon the victim's average net income in the 12 months before the crime for which the claim was filed as evidenced by tax returns, W-2 forms, check stubs, signed contracts or receipts, or other government agency records.

If the victim has not filed tax returns for the year before the crime, the victim's net income is presumed to be no greater than the maximum yearly income for which no federal or state income tax filing is required.

Subp. 3. **Proof of inability to work.** If necessary to determine the extent of disability and the length of compensation for lost income, the board shall request that the victim provide a statement from a licensed physician or psychologist indicating that the victim is or was unable to work due to injuries sustained as a result of the crime for which the victim has filed a claim.

The board shall withhold payment for loss of income if a statement has been requested and not received.

7505.3300 PAYMENT BENEFITING OFFENDER.

Subpart 1. **Domestic abuse; clarification.** The board shall determine the eligibility of claims for injuries sustained as the result of domestic abuse in the same manner as other claims. No claim resulting from an incident of domestic abuse may be denied based solely upon a finding that a claimant resides or has resided with the alleged offender of the crime for which the claim has been filed.

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.

The board shall not reduce or deny an award when enrichment of the offender is inconsequential or minimal. The board shall not deny payments to service providers based upon a finding that the claimant and offender are maintaining a relationship.

Subp. 2. **Claim denial.** No claim may be denied because it succeeds previous claims for victimization by the same offender.

7505.3400 SECONDARY VICTIMS.

For the purposes of this chapter, the term "victim" includes, in addition to those meanings specifically provided in *Minnesota Statutes*, section 611A.52, the following:

A. a parent, spouse, or minor child of a victim who died as the direct result of a crime;

B. a witness to a violent crime who suffered physical or emotional injury;

C. a sibling or adult child of a victim who died as the direct result of a crime, if the sibling or child has suffered emotional injury. Payment for a sibling or adult child is limited to ten counseling sessions; and

D. a person who discovered the body of a victim who died as the direct result of a crime, if the person has suffered emotional injury. Payment for a person who discovered a body is limited to ten counseling sessions.

7505.3500 PARENTS OF CHILD VICTIMS; DOMESTIC CHILD ABUSE OR CHILD SEXUAL ASSAULT.

The board shall authorize payment for up to five counseling sessions for a parent who is a primary caretaker of a victim of domestic child abuse or child sexual assault, if the treatment plan filed under and complying with part 7505.2700 indicates that the sessions directly benefit the victim.

7505.3600 HOUSEHOLD SERVICES.

The board shall not award reparations for household services performed by a family or household member.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Commerce

Adopted Emergency Amendments to Permanent Rules Relating to Reimbursement of Costs by the Petroleum Tank Release Compensation Board

The rules proposed and published at *State Register*, Volume 16, Number 11, pages 546-547, September 9, 1991 (16 SR 546), are adopted with the following modifications:

Rules as Adopted

2890.0060 REIMBURSEMENT OF COSTS.

Subp. 5. **Documentation of reasonableness; bidding required.** The applicant shall prove the reasonableness of all incurred eligible costs. Effective for any contract entered into or commenced on or after December 1, 1991, whenever feasible the applicant or an agent of the applicant must solicit, privately or publicly, a minimum of two written competitive bids based upon comparable unit costs for all work performed in connection with corrective action for which reimbursement is sought. Where competitive bids are received, unit costs in excess of those in the ~~proposal~~ bid of the lowest responsible bidder ~~shall~~ may be considered prima facie unreasonable by the Petroleum Tank Release Compensation Board.

(J)

CERTIFICATE OF THE

MINNESOTA CRIME VICTIMS REPARATIONS BOARD

RESOLUTION ADOPTING RULES

I, Nancy Johnson, do hereby certify that I am a member and the Chair of the Minnesota Crime Victims Reparations 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 Minnesota Crime Victims Reparations Board, duly and properly called and held on the 17th day of January, 1992, 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 amendments governing claims procedures and eligibility for reparations in the form set out in Revisor Of Statutes draft, file number AR1794, dated 12/16/91, identified as Minnesota Rules, parts 7505.0100 to 7505.3600, are approved and adopted, pursuant to authority vested in the Minnesota Crime Victims Reparations Board by Minnesota Statutes, section 611A.56, subdivision 1, paragraph (b). Donna Anderson, the Executive Director of the Minnesota Crime Victims Reparations Board, is authorized to sign the Findings Of Fact, Conclusions, and Order Adopting Rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the Revisor Of Statutes or the Attorney General and to perform the necessary acts to provide that the rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17 day of January 1992.

Nancy Johnson

Nancy Johnson, Chair
Minnesota Crime Victims Reparations Board

Attest by one other Board Member

Martha N. Gustafson

Signature of Attesting Board Member

Martha N. GUSTAFSON

Printed Name of Attesting Board Member

(K)

STATE OF MINNESOTA
CRIME VICTIMS REPARATIONS BOARD

In The Matter Of The Proposed Adoption Of Rules Of The Minnesota Crime Victims Reparations Board Governing Claims Procedures And Eligibility For Reparations	**FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING**

(1) Notice of the Board's intent to adopt the above-entitled rules was published in the State Register on December 16, 1991, and was sent by United States mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22, on December 10, 1991. (2) The Statement Of Need And Reasonableness was prepared before the Notice Of Intent To Adopt Rules was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. A copy of the Statement Of Need And Reasonableness was sent to the Legislative Commission To Review Administrative Rules when it became available to the public.

(4) All persons were given the opportunity to submit comments on the rules for 30 days after the Notice Of Intent To Adopt Rules was published. The Department received one comment and submission on the rules in response to the Notice Of Intent To Adopt Rules. (7) The Department received no requests for notice of submission to the Attorney General. (5) The Department received no requests for a public hearing. Therefore, there are not 25 or more outstanding requests for a public hearing.

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

(8) The above-captioned rules are needed and reasonable.

(9) NOW, THEREFORE, IT IS ORDERED that the rules identified as the Rules of the Minnesota Crime Victims Reparations Board governing claims procedures and eligibility for reparations, in the form set out in the State Register on December 16, 1991, are adopted this 28 day of January, 1992, pursuant to authority vested in the Board by Minnesota Statutes, section 611A.56.

Donna J. Anderson

Donna Anderson, Executive Director
Minnesota Crime Victims Reparations Board