

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM 7/20/92

RULE REVIEW CHECKLIST

File No. 1930
DATE RECEIVED 7-17-92
REVIEW DATE 7-27-92 ~~7-26-92~~
DUE DATE 7-31-92
(DIS)APPROVED 7-30-92
WITHDRAWN

Docket No. 050009 0719
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 7-20-92
REVISOR (DIS)APPROVED 7-20-92
FILED W/SEC. OF STATE 7-30-92
RETURNED TO AGENCY 7-31-92

✓ Rule as adopted (4 copies)

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

Petition for Adoption of a Rule

Board's Authorizing Resolution
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

Notice of Intent to Adopt Rule
299A.02 subd 3 Statutory Authority
Small Business Statement
NA Expenditure of public money statement
~~May 29, 1992~~ Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 1, 1992 Dated 30/25 days before adoption
Notice attached indicates it is attached

✓ Copy of rule or summary attached

✓ Publication in State Register
June 15, 1992 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
Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
July 17, 1992 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
Jeff Sabarski Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Obtained approval from Finance letters not in the file - affidavit of mailing letters to House appropriations and Senate Finance

STATE OF MINNESOTA

Office of the Attorney General

TO : DAVE ORREN
Department of Public Safety
211 Transportation Building

DATE : July 31, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to State Permit Fees

The above-referenced rule has been approved as to its legality by the Attorney General on July 30, 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.

Enclosures
cc: Jeff Lebowski
William Brown, Chief Judge
MaryAnn Hruby

MJM:jj.rules.ay8

Department of Public Safety

Adopted Permanent Rules Relating to Liquor; State Permit Fees

Rules as Adopted

7515.0210 REGULATORY PERMITS AND FEES.

Subpart 1. **General.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol, shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this part. The fee for each permit, other than one issued to a state or federal agency, is $20 and shall be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits shall be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits shall expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of Minnesota Statutes, chapter 340A, or any rule of the commissioner made pursuant to law.

[For text of subps 1a to 5, see M.R.]

APPROVED AS TO FORM AND LEGALITY
July 30 1992
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 31 1992

Secretary of State

9:10a
RC

(M)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Adoption Of Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

DECLARATION OF COUNSEL

I, Jeff Lebowski, 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

0719.

Jeff Lebowski
Special Assistant Attorney General

Dated: July 17, 1992

OFFICE OF THE COMMISSIONER

211 Transportation Building

Telephone: _____

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

SAINT PAUL 55155

July 17, 1992

7-17-92

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 State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

Dear Ms. Nolte:

On July 17, 1992, the Minnesota Department of Public Safety adopted amendments tothe above-captioned rules relating to liquor permit and identification card fees. Enclosed for your review are the documents required by Attorney General Rules, part 2010.0300. Note that the documents listed in paragraphs A through O of this letter are keyed to items A through O of part 2010.0300. Paragraphs P, Q, and R list documents which show compliance with certain statutory rulemaking mandates and which would be required under a discussion draft of possible Attorney General Rules changes enclosed with a memo from your office dated January 24, 1991.

A. No Notice of Solicitation of Outside Information or Opinions was published because the Department did not obtain information or opinions from sources outside the Department before publishing our Notice of Intent to Adopt.

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

C. No certificate of an authorizing resolution or copy of a delegation of authority is enclosed because the Department of Public Safety is not a multi-member agency.

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.

I. Four copies of the rules as adopted.

J. No certificate of a resolution adopting the rules is enclosed because the Department of Public Safety is not a multi-member agency.

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

L. No copies of written requests, withdrawals of requests for a hearing, submissions, or comments on the rules received by the Department are included because the Department received no requests, submissions, or comments.

M. A copy of the Declaration Of Counsel signed by Special Assistant Attorney General Jeff Lebowski.

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. A copy of The Affidavit Of Sending The Notice Of Intent To Adopt Rules And A Copy Of The Rules To The Chairs Of The Senate Finance And House Appropriations Committees.

R. These rules are discretionary, not mandatory, so there is no correspondence 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. After you complete your review, please send any correspondence regarding the rules to me, Dave Orren, at 208 Transportation Building.

Yours very truly,

Dave Orren
Rules Coordinator

enclosures

Stat Authority 299A.02

The commissioner shall have the power to require periodic factual reports from all licensed ... and to make all reasonable rules to effect the object. of laws 1985, chapter 305, articles 2 to 11

end of comment period July 15, 1992

(K)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Adoption Of Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on June 15, 1992, and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22, on June 1, 1992. (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. (3) Before the Notice was submitted to the State Register, a copy of the Notice Of Intent To Adopt Rules and the proposed rules were sent to the chairs of the House Appropriations Committee and Senate Finance Committee.

(4) All persons were given the opportunity to submit comments on the rules for 30 days after the Notice Of Intent To Adopt Rules was published. The Department received no comments and submissions on the rules in response to the Notice Of Intent To Adopt Rules. (6) The Department received no requests for notice of submission to the Attorney General. The Department received no requests for a public hearing. (5)

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

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

(9) NOW, THEREFORE, IT IS ORDERED that the rules identified as the Rules of the State Department of Public Safety Relating To Liquor Permit And Identification Card Fees, in the form set out in the State Register on June 15, 1992, are adopted this 17th day of July, 1992, pursuant to authority vested in me by Minnesota Statutes, section 299A.02, subdivision 3.

Thomas H. Frost, Commissioner
Department of Public Safety

(G)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees	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 first day of June, 1992, 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

Subscribed and sworn
to before me this 2nd day
of June, 1992.

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
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Department of Public Safety 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 299A.02, subdivision 3.

All persons have 30 days, until 4:30 p.m., July 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 Department of Public Safety no later than 4:30 p.m. on July 15, 1992. 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: Lance Boelter, Liquor Control Division, 333 Sibley Street, Room 440, St. Paul, Minnesota 55101, 612-296-6258.

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 Lance Boelter at the address and telephone number listed above.

The rules increase the fees for a liquor permit and the fees for a liquor identification card from $12 to $20.

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 Lance Boelter at the address and telephone number listed above.

The rules have some impact on small businesses in Minnesota, and the Department has considered the methods for reducing the impact as required by Minnesota Statutes, section 14.115. Most of the methods listed in section 14.115 are not applicable to a fee rule

since you cannot make a fee more or less stringent, or simplify it, or establish performance standards for the fee. The only method that might apply is the exemption of small businesses from any or all requirements of the rule. The size or magnitude of the business operation was taken directly into consideration in proposing the licensing fees set by statute. The permit and identification card fees collected will be indirectly related to the size of the business in that larger businesses will likely have more employees who need identification cards than smaller businesses. Beyond this, the Department feels it would be inappropriate to have a further differentiation in fees based on the size of the business.

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 in excess of $100,000 per year for the first two years following adoption of the rules.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the Statement Of Need And Reasonableness.

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the Department has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting this notice to the State Register.

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 Lance Boelter at the address and telephone number listed above.

May 29, 1992
Date

Thomas H. Frost, Commissioner
Department of Public Safety

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STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

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 first day of June, 1992.

Joan Lundberg

Subscribed and sworn to before me this 2nd day of June, 1992.

Laura Nehl-Trueman
Notary Public

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

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St. Paul, MN 55126

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.
Route 1, Box 14
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.
945 Amble Road
Roseville, MN 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

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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
P.O. Box 4990
Atwater, MN 56209

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

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410 S. 5th St., PO Box 3367
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Minneapolis, MN 55416-1256

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Minneapolis, MN 55403

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

Association of MN Counties
125 Charles Avenue
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
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees	**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 on the first day of June, 1992, 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 John Berglund, Executive Director of the Minnesota Licensed Beverage Association, 800 Forty-Second Avenue North, Minneapolis, Minnesota 55412. This mailing was done to improve the notification of all parties that might be interested in this rulemaking proceeding.

David E Orren
David E. Orren

Subscribed and sworn
to before me this 2d day
of June, 19 92.

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
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Department of Public Safety 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 299A.02, subdivision 3.

All persons have 30 days, until 4:30 p.m., July 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 Department of Public Safety no later than 4:30 p.m. on July 15, 1992. 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: Lance Boelter, Liquor Control Division, 333 Sibley Street, Room 440, St. Paul, Minnesota 55101, 612-296-6258.

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 Lance Boelter at the address and telephone number listed above.

The rules increase the fees for a liquor permit and the fees for a liquor identification card from $12 to $20.

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 Lance Boelter at the address and telephone number listed above.

The rules have some impact on small businesses in Minnesota, and the Department has considered the methods for reducing the impact as required by Minnesota Statutes, section 14.115. Most of the methods listed in section 14.115 are not applicable to a fee rule

since you cannot make a fee more or less stringent, or simplify it, or establish performance standards for the fee. The only method that might apply is the exemption of small businesses from any or all requirements of the rule. The size or magnitude of the business operation was taken directly into consideration in proposing the licensing fees set by statute. The permit and identification card fees collected will be indirectly related to the size of the business in that larger businesses will likely have more employees who need identification cards than smaller businesses. Beyond this, the Department feels it would be inappropriate to have a further differentiation in fees based on the size of the business.

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 in excess of $100,000 per year for the first two years following adoption of the rules.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the Statement Of Need And Reasonableness.

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the Department has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting this notice to the State Register.

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 Lance Boelter at the address and telephone number listed above.

May 29, 1992
Date

Thomas H. Frost, Commissioner
Department of Public Safety

(P)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

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 First day of June, 1992, 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 1 day
of June, 19 92.

Laura Neal Truman
Notary Public

Laura Neal Truman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-93

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees	AFFIDAVIT OF SENDING THE NOTICE OF INTENT TO ADOPT RULES AND A COPY OF THE RULES TO THE CHAIRS OF THE SENATE FINANCE AND HOUSE APPROPRIATIONS COMMITTEES

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

David E. Orren, being sworn says:

That on the first day of June, 1992, I mailed the Notice Of Intent To Adopt Rules and a copy of the Rules for the above-captioned Rules to the Chairs of the Senate Finance Committee and the House Appropriations Committee in compliance with Minnesota Statutes, section 16A.128, subdivision 2a. 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 1 day
of June, 19 92.
Laura Nehl-Trueman
Notary Public

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

(E)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) **NOTICE IS HEREBY GIVEN** that the State Department of Public Safety 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 299A.02, subdivision 3.

(2) All persons have 30 days, until 4:30 p.m., July 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 Department of Public Safety no later than 4:30 p.m. on July 15, 1992. (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: Lance Boelter, Liquor Control Division, 333 Sibley Street, Room 440, St. Paul, Minnesota 55101, 612-296-6258.

(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 Lance Boelter at the address and telephone number listed above.

The rules increase the fees for a liquor permit and the fees for a liquor identification card from $12 to $20.

(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 Lance Boelter at the address and telephone number listed above.

(14) The rules have some impact on small businesses in Minnesota, and the Department has considered the methods for reducing the impact as required by Minnesota Statutes, section 14.115. Most of the methods listed in section 14.115 are not applicable to a fee rule

since you cannot make a fee more or less stringent, or simplify it, or establish performance standards for the fee. The only method that might apply is the exemption of small businesses from any or all requirements of the rule. The size or magnitude of the business operation was taken directly into consideration in proposing the licensing fees set by statute. The permit and identification card fees collected will be indirectly related to the size of the business in that larger businesses will likely have more employees who need identification cards than smaller businesses. Beyond this, the Department feels it would be inappropriate to have a further differentiation in fees based on the size of the business.

(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 in excess of $100,000 per year for the first two years following adoption of the rules.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

(15) In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the Statement Of Need And Reasonableness.

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the Department has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting this notice to the State Register.

(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 Lance Boelter at the address and telephone number listed above.

May 29, 1992
Date

Thomas H. Frost, Commissioner
Department of Public Safety

Department of Public Safety

Proposed Permanent Rules Relating to Liquor; State Permit Fees

Rules as Proposed

7515.0210 REGULATORY PERMITS AND FEES.

Subpart 1. **General.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol, shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this part. The fee for each permit, other than one issued to a state or federal agency, is ~~$12~~ $20 and shall be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits shall be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits shall expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of Minnesota Statutes, chapter 340A, or any rule of the commissioner made pursuant to law.

[For text of subps 1a to 5, see M.R.]

Approved by Revisor PER

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Liquor; State Permit Fees

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7515

The attached rules are approved for publication in the State Register

Paul E. Rohde

Paul E. Rohde
Senior Assistant Revisor

B. "Dressing" means getting clothes from the closet or drawers, putting on clothes, and attaching any necessary braces or prosthesis without the aid of another person.

C. "Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene without the aid of another person.

D. "Transferring" means moving in and out of a bed, chair, or wheelchair without the aid of another person.

E. "Eating" means feeding oneself by any means without the aid of another person.

In addition to the activities in items A to E, other reasonable activities of daily living such as continence, walking, and wheeling may be taken into account if specified in the insurance contract.

2745.0030 COGNITIVE IMPAIRMENT.

General standards for determining coverage of long-term care based on cognitive impairment shall be based on an assessment of the insured's ability to perform basic cognitive functions. The definition of cognitive impairment shall not be more restrictive than the definition in this part. "Cognitive impairment" means deficiency in the ability to think, perceive, reason, and/or remember that results in the inability to take care of oneself without the ongoing assistance of or supervision by another person.

2745.0040 USE OF ASSESSMENTS.

A long-term care insurance policy may use activities of daily living and cognitive impairment assessments as a basis for defining when a service, type of care, or procedure could not be omitted without adversely affecting the patient's illness or condition.

Determining impairment under the insurance contract shall not be more restrictive than requiring either a deficiency in three of the above activities of daily living or the presence of cognitive impairment. An insurer may, by contract, require less restrictive criteria than the above determining benefit eligibility.

The determination of physical or cognitive impairment shall be based on generally accepted tests that use objective measures and produce verifiable results such as, but not limited to, the most recently adopted Minnesota Department of Human Services Preadmission Screening Assessment Form.

2745.0050 ALTERNATIVE STANDARDS AND CERTIFICATION.

If an insurer proposes standards other than those described in parts 2745.0020, 2745.0030, and 2745.0040, upon request the insurer shall provide to the department a detailed description of the proposed assessment methodology explaining how the assessment would reasonably be expected to produce reliable, valid, and clinically appropriate results. The insurer is responsible for demonstrating that the assessment is reliable, valid, and clinically appropriate and not less beneficial to the policyholder than the standards described in parts 2745.0020, 2745.0030, and 2745.0040. An officer of the insurance company shall provide a certification that, to the best of the officer's knowledge, the assessment methodology is reliable, valid, and clinically appropriate.

Department of Public Safety

Proposed Permanent Rules Relating to Liquor; State Permit Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety 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*, sections 299A.02, subdivision 3.

All persons have 30 days, until 4:30 p.m., July 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 Department of Public Safety no later than 4:30 p.m. on July 15, 1992. 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

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.

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

Comments or written requests for a public hearing must be submitted to: Lance Boelter, Liquor Control Division, 333 Sibley Street, Room 440, St. Paul, Minnesota 55101, 612-296-6258.

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 Lance Boelter at the address and telephone number listed above.

The rules increase the fees for a liquor permit and the fees for a liquor identification card from $12 to $20.

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 Lance Boelter at the address and telephone number listed above.

The rules have some impact on small businesses in Minnesota, and the Department has considered the methods for reducing the impact as required by *Minnesota Statutes,* section 14.115. Most of the methods listed in section 14.115 are not applicable to a fee rule since you cannot make a fee more or less stringent, or simplify it, or establish performance standards for the fee. The only method that might apply is the exemption of small businesses from any or all requirements of the rule. The size or magnitude of the business operation was taken directly into consideration in proposing the licensing fees set by statute. The permit and identification card fees collected will be indirectly related to the size of the business in that larger businesses will likely have more employees who need identification cards than smaller businesses. Beyond this, the Department feels it would be inappropriate to have a further differentiation in fees based on the size of the business.

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 in excess of $100,000 per year for the first two years following adoption of the rules.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

In accordance with *Minnesota Statutes,* section 16A.128, subdivision 1a, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the State Of Need and Reasonableness.

In accordance with *Minnesota Statutes,* section 16A.128, subdivision 2a, the Department has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting this notice to the *State Register.*

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 Lance Boelter at the address and telephone number listed above.

Dated: 29 May 1992

Thomas H. Frost, Commissioner
Department of Public Safety

Rules as Proposed

7515.0210 REGULATORY PERMITS AND FEES.

Subpart 1. **General.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol, shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this part. The fee for each permit, other than one issued to a state or federal agency, is ~~$12~~ $20 and shall be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits shall be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits shall expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of *Minnesota Statutes*, chapter 340A, or any rule of the commissioner made pursuant to law.

[For text of subps 1a to 5, see M.R.]

(F)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Liquor Permit And Identification Card Fees

STATEMENT OF NEED AND REASONABLENESS

General Statement

The Liquor Control Division is a division of the Minnesota Department of Public Safety. The job of the Liquor Control Division is to control liquor in Minnesota from the time it enters the state until it is consumed. This control is achieved through licensing and enforcement.

This rule amendment raises the fee for a regulatory permit or an identification card from $12 to $20. This fee increase is a small part of an overall restructuring of the fees assessed by Liquor Control that resulted from a finding and recommendation by Governor Carlson's Commission On Reform and Efficiency (CORE). CORE found that the expenses for the operation of Liquor Control exceeded the fees collected by Liquor Control. CORE recommended that Liquor Control be self-funding.

In response to the CORE recommendation, Liquor Control proposed a restructuring of all of its fees so that the total amount of fees collected would more closely match total expenses. This proposed new fee structure was supported by the Department of Public Safety and the Governor's Office.

The majority of Liquor Control fees are set by statute. The statutory fees for Liquor Control were increased by the 1992 Legislature to fit within the proposed new fee structure. See Minnesota Laws 1992, chapter 513, article 3, sections 53 to 60. The only remaining step in implementing the new fee structure is the increase done in this rule amendment.

A spreadsheet titled "Liquor Control Revenue" showing all current fees and their proposed increases is attached to this Statement of Need and Reasonableness. The spreadsheet also shows the number of licenses, permits, and identification cards issued in each category and the total revenue collected based on current fees and proposed fees. The spreadsheet shows that the fees affected by this rule amendment account for $83,124 (or 18%) of the $464,464 currently received. Under the proposed new fee structure, this will change to $138,540 (or 16%) of the $877,700 projected to be received.

Statutory Authority

Minnesota Statutes, section 299A.02, subdivision 3, states: "The commissioner shall have power . . . to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11." Laws 1985, chapter 305, contains the statutory provisions relating to the regulation of intoxicating liquor and nonintoxicating malt liquor.

Small Business Considerations

The rules have some impact on small businesses in Minnesota, and the Department has considered the methods for reducing the impact as required by Minnesota Statutes, section 14.115. Most of the methods listed in section 14.115 are not applicable to a fee rule since you cannot make a fee more or less stringent, or simplify it, or establish performance standards for

the fee. The only method that might apply is the exemption of small businesses from any or all requirements of the rule. The size or magnitude of the business operation was taken directly into consideration in proposing the licensing fees set by statute. The permit and identification card fees collected will be indirectly related to the size of the business in that larger businesses will likely have more employees who need identification cards than smaller businesses. Beyond this, the Department feels it would be inappropriate to have a further differentiation in fees based on the size of the business.

Fees Imposed By The Rules

In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to this Statement.

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice Of Intent To Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting the Notice to the State Register.

Other Statutory Requirements

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 in excess of $100,000 per year for the first two years following adoption of the rules. 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, sections 115.43, subdivision 1, 116.07, subdivision 6, and 144A.29, subdivision 4, do not apply to these rules.

Witnesses

If these rules go to a public hearing, a list of witnesses will be attached to this SNR and will be sent to all persons who requested a copy of the SNR.

Rule-By-Rule Analysis

Part 7515.0210, subpart 1, is amended to increase the fee for permits and identification cards from $12 to $20. As discussed above, this fee increase is a small part of the overall restructuring of the fees assessed by the Liquor Control Division. The fees restructuring is necessary in order to make Liquor Control be self-funding. The increase to $20 is reasonable because it fits within the new proposed fee structure that accomplishes self-funding.

Conclusion

Based on the foregoing, the Department's proposed amendment to Minnesota Rules, part 7515.0210, subpart 1, is both necessary and reasonable.

May 29, 1992
Date

Thomas H. Frost, Commissioner
Department of Public Safety

LIQUOR CONTROL REVENUE

LICENSES:	Current Unit Price	Number Rec'd	Value		New Unit Price Effective 7-1-92	Value
Manufacturer & Importer						
Liquor	$7,500.00	2	$15,000.00		$15,000.00	$30,000.00
Liquor Duplicate	$3,000.00	1	$3,000.00		$3,000.00	$3,000.00
Brewer	$1,250.00	5	$6,250.00		$2,500.00	$12,500.00
Brew Pub	$250.00	1	$250.00		$500.00	$500.00
Farm Winery	$25.00	6	$150.00		$50.00	$300.00
Wine & Distilled Spirits Importer	$300.00	233	$69,900.00		$420.00	$97,860.00
Brewer Import	$200.00	64	$12,800.00		$800.00	$51,200.00
Broker	$300.00	7	$2,100.00		$600.00	$4,200.00
TOTAL			$109,450.00			$199,560.00
Wholesalers						
Liquor	$7,500.00	8	$60,000.00		$15,000.00	$120,000.00
Wine	$750.00	25	$18,750.00		$2,000.00	$50,000.00
Malt Beverage	$300.00	104	$31,200.00		$600.00	$62,400.00
Malt Beverage Duplicate	$15.00	9	$135.00		$25.00	$225.00
Malt Beverage-Under 3.2%	$10.00	0	$0.00		$10.00	$0.00
TOTAL			$110,085.00			$232,625.00
Common Carriers						
Common Carriers (Liquor)	$100.00	27	$2,700.00		$200.00	$5,400.00
Common Carriers Duplicate	$10.00	936	$9,360.00		$20.00	$18,720.00
Common Carriers (Sunday Liquor)	$50.00	24	$1,200.00		$50.00	$1,200.00
Common Carriers Sunday Duplicate	$5.00	934	$4,670.00		$20.00	$18,680.00
Common Carriers (Malt)	$25.00	1	$25.00		$50.00	$50.00
Common Carriers Duplicate	$2.00	0	$0.00		$20.00	$0.00
Spec. Common Carrier Liq.	$1,000.00	1	$1,000.00		$1,000.00	$1,000.00
Spec. Common Carrier Liq. Dupl.	$1,000.00	2	$2,000.00		$1,000.00	$2,000.00
Sacramental Wine	$25.00	5	$125.00		$50.00	$250.00
Transfer Fees	$10.00	2	$20.00		$10.00	$20.00
TOTAL			$21,100.00			$47,320.00
TOTAL LICENSES			$240,635.00			$479,505.00
PERMITS & IDENTIFICATION CARDS:						
Brand Label Registration Renewals		5250			$20.00	$105,000.00
Consumption & Display	$150.00	752	$112,800.00		$150.00	$112,800.00
Brand Label Registration	$20.00	1395	$27,900.00		$30.00	$41,850.00
Druggist Liquor	$5.00	1	$5.00		$5.00	$5.00
Ethyl Alcohol	$12.00	217	$2,604.00	*	$20.00	$4,340.00
Representative (Importer)	$12.00	312	$3,744.00	*	$20.00	$6,240.00
Sales (Wholesaler)	$12.00	1183	$14,196.00	*	$20.00	$23,660.00
Retailer	$12.00	5215	$62,580.00	*	$20.00	$104,300.00
TOTAL PERMITS & IDENTIFICATION CARDS			$223,829.00			$398,195.00
TOTAL RECEIPTS			$464,464.00			$877,700.00

*Proposed fee increases.

DEPARTMENT OF PUBLIC SAFETY
Office of Fiscal & Administrative Services
Room 210

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: May 26, 1992

TO: Dwight Pederson
Department of Finance

FROM: Frank A. Ahrens
Director
Office of Fiscal & Admin. Services

PHONE: 296-6994

SUBJECT: Request for approval of Proposed Fee Rules-Liquor Control Fees

The Liquor Control Division requests the approval of the proposed changes related to liquor permits and identification card fees. Under the proposed rule changes, fees will increase by eight dollars. A draft of the proposed rules dated April 21, 1992 and an amended Fee Review are enclosed.

These proposed fee increases are part of the overall legislative intent of raising the level of all liquor fees and permits affective July 1, 1992.

Your consideration of our request is appreciated.

Attachments

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cc: Dan Boytim
Marilyn Smith

ok
FA

DEPARTMENT OF FINANCE
FEE REVIEW

99090191

Department/Agency Public Safety | Budget Activity: Liquor Licensing

Fee Name: Liquor Licensing & Fees & Video Game of Chance License/Distributor & Operator License

Legal Citation:
1990 Minn. Stat. Ch 340A & 349.51
Laws of 1992, Ch. 513, Art. 3, Sect. 53-60.

Fee Set By: X Law ~~X~~ Agency

Purpose of Fee:
To license manufactures, wholesalers and importers of liquor, wine and malt beverages and common carriers of liquor and malt beverages. To license all distributors & operators of video games of chance.

___ Dedicated | X Non-Dedicated | Revenue Code: 310

APID: 23000:99-10 | Accumulated Difference Thru 1988 144 | Dollars in Thousands (137,522=138)

Fiscal Year	Actual F.Y.89	Actual F.Y.90	Actual F.Y.91	Estimated F.Y.92	Estimated F.Y.93
Actual/Anticipated Receipts	667	592	492	495	878
Less Actual/ Anticipated Costs	764	838	786	835	756
Current Difference	(97)	(246)	(294)	(340)	122
Accumulated Differ	(97)	(343)	(637)	(976)	(854)
Number Paying Fee	12,103	11,864 est.	11,522	11,464	16,722
Present Fee	see attachment				
Date Fee Last Changed	1/1/85				

Remarks:

Included in the actual/estimated costs above are the costs associated with the collection and disbursement of funds to the Video Game of Chance Account.
Laws of 1990 Chapter 590, Art. 1, sect.48 repeal the chapter in statutes that relate to the Video Game of Chance Account. The repealer is effective Jan, 1, 1992.

Laws of 1992, Chapter 513, Article 3, Sections 53-60 increase liquor fees (see attachment).

Agency requests the approval of the proposed fee increase for liquor identification cards.

FINANCE DEPARTMENT RECOMMENDATION:

DEPARTMENT AUTHORIZED SIGNATURE: | AGENCY CONTROLLER SIGNITURE:

DEPARTMENT OF FINANCE 99090187

FEE REVIEW - Details of Costs

Department/Agency Public Safety | Budget Activity: Liquor Licensing

Fee Name: Liquor Licensing & Fees & Video Game of Chance License/Distributor & Operator License

Fiscal Year	Actual F.Y.89	Actual F.Y.90	Actual F.Y.91	Estimated F.Y.92	Estimated F.Y.93
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06				Dollars in Thousands (137,522 = 137.5)	
Agency Direct Expe	697	764	717	761	689
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX		
Attorney General	2	0	4	0	0
Statewide Indirect	19	23	18	23	21
Agency Indirect	47	50	47	50	46
Totals	764	838	786	835	756

Remarks:

Department of Public Safety

Adopted Permanent Rules Relating to Liquor; State Permit Fees

Rules as Adopted

7515.0210 REGULATORY PERMITS AND FEES.

Subpart 1. **General.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol, shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this part. The fee for each permit, other than one issued to a state or federal agency, is $20 and shall be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits shall be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits shall expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of Minnesota Statutes, chapter 340A, or any rule of the commissioner made pursuant to law.

[For text of subps 1a to 5, see M.R.]

Department of Public Safety

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