

1 Department of Labor and Industry

2

3 Adopted Permanent Rules Relating to Targeted Industry Fund;

4 Loggers

5

6 Rules as Adopted

7 5222.3000 DEFINITIONS.

8 Subpart 1. Scope. For the purposes of parts 5222.3000 to

9 5222.3007, the following terms have the meanings given them.

10 Subp. 2. Full-time logger. "Full-time logger" means a

11 logger who is employed for at least 100 hours in each of three

12 different months during a calendar year.

13 Subp. 3. Logger. "Logger" has the meaning given it in

14 Minnesota Statutes, section 176.130, subdivision 1, paragraph

15 (b).

16 Subp. 4. Purchaser. "Purchaser" has the meaning given it

17 in Minnesota Statutes, section 176.130, subdivision 3.

18 Subp. 5. Qualified employer. "Qualified employer" has the

19 meaning given it in Minnesota Statutes, section 176.130,

20 subdivision 1, paragraph (f).

21 Subp. 6. Woodmill. "Woodmill" has the meaning given it in

22 Minnesota Statutes, section 176.130, subdivision 1, paragraph

23 (d).

24 5222.3001 AUTHORITY AND PURPOSE.

25 Parts 5222.3000 to 5222.3007 are adopted pursuant to the

26 authority granted to the commissioner by Minnesota Statutes,

27 sections 176.17, 176.83, and 176.130. The purpose of parts

28 5222.3000 to 5222.3007 is to specify the procedures by which

29 woodmills and qualified employers report to the commissioner for

30 the purpose of administering and implementing the provisions of

31 Minnesota Statutes, section 176.130.

32 5222.3002 ANNUAL REPORTING BY WOODMILL.

33 Subpart 1. Content of report. Each woodmill shall make an

34 annual report, as provided in Minnesota Statutes, section

1 176.130, subdivision 5, paragraph (a), on a form prescribed by
2 the commissioner, including the following:

3 A. name and address of woodmill;

4 B. federal and state employer identification numbers
5 of woodmill;

6 C. reporting period dates;

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

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

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

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

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

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

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

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

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

29 A. the request is made in writing;

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

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

34 D. the commissioner determines the extension period
35 is reasonable.

1 5222.3003 FAILURE TO MAKE PAYMENT OF ASSESSMENT; PENALTY.

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

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

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

10 B. a request for extension is not approved.

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

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

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

21 (3) 15 percent of the assessment payments due, if
22 payment is not made within 30 days of the due date; or

23 B. \$500, whichever is greater.

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

27 5222.3004 FALSE REPORTING BY WOODMILL.

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

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

2 5222.3005 PROOF OF COVERAGE.

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

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

13 5222.3006 ANNUAL REPORTING BY QUALIFIED EMPLOYER.

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

- 19 A. name and address of qualified employer;
20 B. Social Security number and federal and state
21 employer identification numbers of qualified employer;
22 C. reporting period dates;
23 D. total amount of payroll dollars paid to loggers;
24 E. name and address of workers' compensation insurer;
25 F. proof of premium dollars paid for loggers, which
26 may include copies of canceled checks or receipts from insurers;
27 G. certification of attendance, for each full-time
28 logger, at a safety seminar established or approved by the
29 commissioner; and
30 H. supporting documentation or other information
31 requested by the commissioner.

32 Subp. 2. No extensions. An employer must satisfy the
33 requirements of Minnesota Statutes, section 176.130, subdivision
34 1, paragraph (f) in order to be categorized as a qualified
35 employer. A qualified employer must report timely and fully

1 under this part and Minnesota Statutes, section 176.130,
2 subdivision 5, paragraph (b), to be eligible for any rebate. No
3 extensions are allowed pursuant to Minnesota Statutes, section
4 176.130, subdivision 6.

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

8 5222.3007 ESTABLISHMENT OR APPROVAL OF SAFETY PROGRAM.

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

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

- 13 A. safety seminars;
14 B. educational publications or video presentations;
15 C. on-site consultations; or
16 D. testing of safety equipment.

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

- 20 A. cost of program;
21 B. specificity of subject matter to industry
22 concerns;
23 C. availability of program in terms of locations and
24 number of seminars;
25 D. expertise of program sponsor; and
26 E. recommendations of Minnesota Occupational Safety
27 and Health Administration consultation unit.