

Minnesota Department of Revenue

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID: R-04537.

Proposed Rule Governing Sales and Use Tax Consolidated Returns and Recordkeeping; Repealing Minnesota Rules, part 8130.7500, Subparts 3, 6, and 8 and Replacing with Minnesota Rules, Part 8130.7501.

Introduction. The Department of Revenue intends to adopt rules without a public hearing following the procedures found at Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons submit a written request for a hearing by 4:30 p.m. on Friday, October 22, 2021, the Department will hold a virtual public hearing on the proposed rule changes. Office of Administrative Hearings Administrative Law Judge James E. LaFave will conduct the hearing starting at 9:30 a.m. on Friday, November 19, 2021. To find out whether the Department will adopt the rules with or without a hearing, contact the agency contact person (see immediately below) after Friday, October 22, 2021 and before Friday, November 19, 2021.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person:

Jim Jordan
Appeals and Legal Services Division
Minnesota Department of Revenue
600 North Robert Street
Mail Station 2220
St. Paul, MN 55146
jim.jordan@state.mn.us

You may also submit written comments via the Office of Administrative Hearings Rulemaking eComments website (<https://minnesotaoah.granicusideas.com/discussions>).

Subject of Rules and Statutory Authority. The proposed rules are about sales and use tax consolidated returns and recordkeeping. The proposed rules would replace *Minnesota Rules*, part 8130.7500, subparts 3, 6, and 8 with a new rule at *Minnesota Rules*, part 8130.7501. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 296 and 297A.77, subdivision 5. A copy of the proposed rules is published in the *State Register* and attached to this notice.

Comments. You have until 4:30 p.m. on Friday, October 22, 2021, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date.

Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person (see above) must receive by 4:30 p.m. on Friday, October 22, 2021. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. You are also encouraged to state the reason for the hearing request, including any requested changes to the rule proposal. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make the hearing accessible, please contact the agency contact person (see above).

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. Before the Department can adopt substantially different rules, it must follow the procedures under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the process applicable to substantive changes to the proposed rules.

Cancellation of Hearing. The Department will cancel the hearing scheduled for November 19, 2021, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also contact the agency contact person (see above) after Friday, October 22, 2021, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing, the Department will hold a hearing using the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. As noted above, Administrative Law Judge LaFave is assigned to conduct the hearing. Judge LaFave can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O.

Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order an extension of the five-day comment period to no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information. New evidence may not be submitted during the five-day rebuttal period.

All post-hearing comments must be submitted to Administrative Law Judge LaFave no later than 4:30 p.m. on the due date. The Office of Administrative Hearings encourages persons submitting comments and responses to do so using the Office of Administrative Hearings' Rulemaking eComments website (<https://minnesotaoah.granicusideas.com/discussions>). If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by fax addressed to Judge LaFave at the address or fax number listed in the Notice of Hearing section (see above).

All hearing-related comments will be available at the Department of Revenue or on the Department's website (<https://www.revenue.state.mn.us/minnesota-administrative-rules>). The hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedures to Administrative Law Judge LaFave.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. You may also access the statement on the Department's website (<https://www.revenue.state.mn.us/minnesota-administrative-rules>).

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Please direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

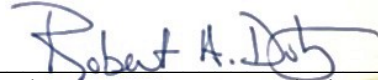
Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the comment period and after the Department submits the rules and supporting documents to the Office of Administrative Hearings for a legal review. To receive notice of when the rules are submitted to the Office of Administrative Hearings for review, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person (see above).

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report becomes available, and you can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date the agency adopts the rules and the date the rules are filed with the Secretary of State. Please make these requests at the hearing or by writing to the agency contact person (see above).

Order. I order the rulemaking hearing be held at the date, time, and location listed above.

August 26, 2021

Date



Robert A. Doty, Commissioner
Department of Revenue