

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1213

05-0009-0119

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-22
DATE FOR REVIEW 10-31
DATE DUE 11-5

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 10-31-85 MJ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 10/23/85 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 9.25.85 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement

✓ Affidavit of Mailing Notice or rulemaking
7.2.85 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
7.8.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of ~~Mailing~~ Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: MICHAEL A. HATCH, Commissioner
Department of Commerce

DATE: 10/321/85

ATTN: RICHARD G. GOMSRUD
Department Counsel

FROM: MARTHA J. CASSERLY
Assistant Attorney General

PHONE: 296-6555

SUBJECT:

In the Matter of the Proposed Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules

The above-referenced rule has been approved as to its legality by the Attorney General on October 31, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption 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:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

SF-00006-84

DEPARTMENT : of Commerce

PHONE : 296-5689

DATE : 10/21/89

TO : Judith Wehrwein

STATE OF MINNESOTA

Office Memorandum

FROM : Richard G. Gomsrud
Department Counsel

SUBJECT : Repeal of Contested Case Procedure Rules and Advertisement of Accident and Sickness Insurance Rules

Enclosed are copies of the following materials regarding the above captioned rules (only those items with a circled number are enclosed):

~~1.~~ Notice of Intent to Solicit Outside Opinion (2000.0400 subpart 1 B)

~~2.~~ Written material received as a result of Notice to Solicit Outside Opinion (2000.0400 subpart 1 B)

(3.) Mailing List Certificate (2000.0400 subpart 1 E)

(4.) Statement of Need & Reasonableness (2000.0400 subpart 1 G)

(5.) Order for Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 1 C)

(6.) Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 2)

(7.) Affidavit of Mailing Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 3)

(8.) Copy of Notice of Intent to Adopt Rule Without Public Hearing and rules as published in the State Register (2000.0400 subpart 4)

~~9.~~ Written Comments on Rule (2000.0400 subpart 1 I)

~~10.~~ Findings of Fact (if applicable) (2000.0400 subpart 1 F)

~~11.~~ Affidavit of Mailing Notice of Submission to Attorney General (2000.0400 subpart 1 K); or

12. Affidavit that no request for Notice of Submission to Attorney General were received

13. Original and three copies of Rule as adopted (2000.0400 subpart 5)

14. Two copies of the Order Adopting Rule (2000.0400 subpart 6)

15. Certificate of Compliance With Rulemaking Procedure (2000.0400 subpart 1 J).

AG copy

Department of Commerce

Adopted Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules

Rules as Adopted

REPEALER. Minnesota Rules, parts 2610.0100; 2610.0200; 2610.0250; 2610.0300; 2610.0400; 2610.0500; 2610.0600; 2610.0700; 2610.0800; 2610.0900; 2610.1000; 2610.1100; 2610.1200; 2610.1300; 2610.1400; 2610.2100; 2610.2200; 2610.2300; 2610.2400; 2610.2500; 2610.2600; 2610.2700; 2610.2800; 2610.3100; 2610.3200; 2610.3300; 2610.3400; 2610.3500; 2610.3600; 2610.3700; 2610.3800; 2745.0100; 2745.0200; 2745.0300; 2745.0400; 2745.0500; 2745.0600; 2745.0700; 2745.0800; 2745.0900; 2745.1000; 2745.1100; 2745.1200; 2745.1300; 2745.1400; 2745.1500; 2745.1600; 2745.1700; 2745.1800; and 2745.1900, are repealed.

APPROVED AS TO FORM AND LEGALITY
October 31 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 31 1985

Joan Anderson Growe
Secretary of State

10:15 A.M.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on July 8, 1985 and was sent by the United States mail to all persons on the list maintained by the Department of Commerce pursuant to Minnesota Statutes Section 14.14, subd. 1a, on July 2, 1985.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than twenty-five (25) written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Proposed Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules are adopted this 25th day of September 1985 pursuant to authority vested in me by Minnesota Statutes Section 45.023 and 72A.19.

MICHAEL A. HATCH
Commissioner of Commerce

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules	ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 20th day of June, 1985 that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Commerce for that purpose and be published in the State Register.

Michael A. Hatch
Commissioner of Commerce

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Repeal of Rules Relating to Contested Case Procedures (Chapter 2610) and Rules Relating to Advertisement of Sickness and Accident Insurance

NOTICE OF INTENT TO REPEAL RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Department of Commerce proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the repeal of the rules. Each comment should identify the portion of the rule addressed, the reason for the comment, and any change proposed. The rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 14.14, subdivision 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101 (612) 296-5689. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the rules that are to be repealed is contained in Minnesota Statutes, Section 45.032 and Section 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of the repeal of the rules and identifying the data and information relied upon to support the repeal of the rules has been prepared and is available upon request.

Pursuant to Minnesota Statutes Section 14.115, subdivision 2, the impact on small business has been considered in the repeal of the rules. Anyone wishing to present evidence or argument as to the effect of the repeal of the rules on small business may do so. The Department's postion regarding the impact of the repeal of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon repeal of the rules without a public hearing, the repealer of the rules, this Notice, the Statement of Need and Reasonableness, and all written comments received, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101.

Copies of this Notice and the repealer of the rules may be obtained by contacting Rose Weiner at the above address (612) 296-3528.

MICHAEL A. HATCH
Commissioner of Commerce

In the Matter of the Proposed Repeal of
Rules Relating to Contested Case Procedures
(Chapter 2610) and Rules Relating to
Advertisement of Sickness and Accident Insurance

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Rose T. Weiner , being first duly sworn, deposes and says:

That on the 2nd day of July, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served 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 at said City of St. Paul, a copy properly prepared with first-class postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules.

A copy of the proposed rules is attached.

Rose T. Weiner
ROSE T. WEINER

Subscribed and sworn to before me this
8th day of July, 1985.

Nancy I. Link
Notary Public

NANCY I. LINK
NOTARY PUBLIC MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES DECEMBER 3, 1990

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Repeal of
Rules Relating to Contested Case Procedures
(Chapter 2610) and Rules Relating to
Advertisement of Sickness and Accident Insurance

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, Sec. 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 2nd day of July 1985.

Rose T. Weiner

ROSE T. WEINER

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STATE REGISTER

STATE OF MINNESOTA



VOLUME 10, NUMBER 2

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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. **that they have 30 days in which to submit comment on the proposed rules;**
2. **that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;**
3. **of the manner in which persons shall request a hearing on the proposed rules; and**
4. **that the rule may be modified if the modifications are supported by the data and views submitted.**

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Commerce

Proposed Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the repeal of the rules. Each comment should identify the portion of the rule addressed, the reason for the comment, and any change proposed. The rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 14.14, subdivision 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101 (612) 296-5689. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the rules that are to be repealed is contained in Minnesota Statutes, Section 45.032 and Section 72A.19. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of the repeal of the rules and identifying the data and information relied upon to support the repeal of the rules has been prepared and is available upon request.

Pursuant to Minnesota Statutes Section 14.115, subdivision 2, the impact on small business has been considered in the repeal of the rules. Anyone wishing to present evidence or argument as to the effect of the repeal of the rules on small business may do so. The Department's position regarding the impact of the repeal of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon repeal of the rules without a public hearing, the repealer of the rules, this notice, the Statement of Need and Reasonableness, and all written comments received, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101.

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.

Copies of this notice and the repealer of the rules may be obtained by contacting Rose Weiner at the above address (612) 296-3528.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

REPEALER. Minnesota Rules, parts 2610.0100; 2610.0200; 2610.0250; 2610.0300; 2610.0400; 2610.0500; 2610.0600; 2610.0700; 2610.0800; 2610.0900; 2610.1000; 2610.1100; 2610.1200; 2610.1300; 2610.1400; 2610.2100; 2610.2200; 2610.2300; 2610.2400; 2610.2500; 2610.2600; 2610.2700; 2610.2800; 2610.3100; 2610.3200; 2610.3300; 2610.3400; 2610.3500; 2610.3600; 2610.3700; 2610.3800; 2745.0100; 2745.0200; 2745.0300; 2745.0400; 2745.0500; 2745.0600; 2745.0700; 2745.0800; 2745.0900; 2745.1000; 2745.1100; 2745.1200; 2745.1300; 2745.1400; 2745.1500; 2745.1600; 2745.1700; 2745.1800; and 2745.1900, are repealed.

Department of Commerce

Proposed Rules Governing Security Requirements of Self-Insurers Under the No-Fault Automobile Insurance Act

Notice of Intent to Adopted Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subdivision 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101 (612) 296-5689. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes section 65B.48. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minnesota Statutes, section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, General Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101.

A copy of the proposed rules is attached to this notice. Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address. Telephone (612) 296-3528.

Michael A. Hatch
Commissioner of Commerce

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Repeal of Rules Relating to Contested Case Procedures (Chapter 2610) and Rules Relating to Advertisement of Sickness and Accident Insurance

STATEMENT OF NEED AND REASONABLENESS

The statutory authority of the Contested Case Procedures Rules (Chapter 2610 of Minnesota Rules) was Minnesota Statute 45.032. At the time the Department of Commerce was reorganized in 1983 by Chapter 289 of the 1983 Session Laws, Minnesota Statute Section 45.032 was repealed. In addition the Commerce Commission, which previously consisted of the commissioners of insurance, banking and securities and real estate, was abrogated. A single Commissioner of Commerce replaced the Commerce Commission and the three cited commissioners. Accordingly since the authority for the rules contained in Chapter 2610 no longer exists the rules must be repealed. Because of this the small business consideration and other considerations required by the rulemaking process would not be applicable to this situation since there is no authority to proceed in any other manner then to repeal the rules.

Rules Pertaining to Advertisement of Sickness and Accident Insurance

In July of 1984 Insurance Marketing Standard Rules (Chapter 2790), Agent Conduct Rules (Chapter 2795) and the Fair Claims Settlement Act were adopted. The net effect of the adoption of these two sets of rules and the statutory changes was to adopt a code of conduct for insurance agents of all types. Included were broad standards pertaining to the advertisement of all types of insurance. These rules were also applicable to the advertisement of sickness and accident insurance. Accordingly there presently exist two sets of rules pertaining to exactly the same thing. Rather than subjecting the advertisement of accident and sickness insurance to two sets of rules it is more appropriate that the rules which pertain only to accident and sickness insurance be repealed and the general set of rules remain. This is what was contemplated at the time of the promulgation of the cited rules and statute but it was not deemed appropriate to begin the repeal process for the accident and sickness rules until such time as the other rules were in place.

It is the department's belief that there will be no effect on anyone as a result of the repeal of these rules since the previously cited rules apply to exactly the same areas as those repealed.

Small business consideration

As the repeal of these rules will, as noted above, only result in the repeal of duplicative rules the department sees no impact whatsoever on any small business or any other type of business, except possibly a positive effect in not their needing to determine which set of rules would apply.

In the Matter of the Proposed Repeal of
Rules Relating to Contested Case Procedures
(Chapter 2610) and Rules Relating to
Advertisement of Sickness and Accident Insurance

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Gregory P. Huwe, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Gregory P. Huwe
Special Assistant Attorney General

Dated: Oct. 18, 1985

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Richard G. Gomsrud, being first duly sworn, deposes and says:

That he is Department Counsel for the Department of Commerce.

That part of his duties is the promulgation and adoption of departmental rules, including those captioned above.

That to date, no person has requested notice of submission of the rules in the above-entitled matter to the Attorney General.

Richard G. Gomsrud

RICHARD G. GOMSRUD
Department Counsel, Department of Commerce

Subscribed and sworn to before me this 16th day of October, 1985.

Nancy I. Link

NANCY I. LINK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES DECEMBER 3, 1990