

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1399
DATE RECEIVED 9/2/87
REVIEW DATE 9/30/87
DUE DATE 10/4/87

APPROVED ✓ 9/30/87
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.1150
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED
REVISOR DISAPPROVED
FIELD W/SEC.STATE 10/05
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion~~
~~Date published in State Register~~
~~Comments~~

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

16A.128(2a) 144.122 Statutory Authority 149.04 + 149.05(4)

yes Small Business Statement

yes Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

yes [redacted] Fees - § 16A.128 approval is attached.

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

8/3/87 Date 30/25 days before adoption

✓ Publication in State Register

8/3/87 Date 30/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting

9/12/87 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney

Robert Holley Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

6-2803

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : October 12, 1987

TO : ROBERT T. HOLLEY
Special Assistant
Attorney General

FROM : JULIE A. LEPPINK

PHONE : 7-3493

SUBJECT : In the Matter of the Adopted Rules Relating to Health, Morticians, Funeral Directors, Fees and Licensing

The above-referenced rule has been approved as to its legality by the Attorney General on September 30, 1987.

Enclosed is the agency's 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, 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.

JAL:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Health

Adopted Permanent Rules Relating to Health, Morticians, Funeral Directors, Fees, and Licensing

Rules as Adopted

4610.2800 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Mortuary science fees.** The following fees are mortuary science fees:

A. trainee registration and renewal fee, $25;

B. examination fee, $50;

C. original license fee, $40;

D. license by endorsement, $200;

E. renewal fee, $50; and

F. renewal fee late charge, $10.

Subp. 3. **Funeral directors.** The following fees are funeral director fees:

A. application fee, $50;

B. renewal fee, $50; and

C. renewal fee late charge, $10.

Subp. 4. **Funeral establishments.** The following fees are funeral establishment fees:

A. funeral establishment permit fee, $135;

B. renewal permit fee, $135; and

C. renewal permit late charge, $15.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Health, Morticians, Funeral Directors, Fees, and Licensing

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4610

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 5 - 1987

Joan Anderson Growe
Secretary of State

11:27 AM

The attached rules are approved for filing with the Secretary of State

APPROVED AS TO FORM AND LEGALITY
September 30 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Julie A. Bergquist
SPECIAL ASSISTANT ATTORNEY GENERAL

Susan E. Quade
Assistant Revisor

Department of Health

Proposed Permanent Rules Relating to Health, Morticians, Funeral Directors, Fees, and Licensing

Rules as Proposed

4610.2800 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Mortuary science fees.** The following fees are mortuary science fees:

A. trainee registration and renewal fee, $25;

B. examination fee, $50;

C. original license fee, $40;

D. license by endorsement, $200;

E. renewal fee, ~~$40~~ $50; and

F. renewal fee late charge, $10.

Subp. 3. **Funeral directors.** The following fees are funeral director fees:

A. application fee, $50;

B. renewal fee, ~~$40~~ $50; and

C. renewal fee late charge, $10.

Subp. 4. **Funeral establishments.** The following fees are funeral establishment fees:

A. funeral establishment permit fee, ~~$110~~ $135;

B. renewal permit fee, ~~$110~~ $135; and

C. renewal permit late charge, $15.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Health, Morticians, Funeral Directors, Fees, and Licensing

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4610

The attached rules are approved for publication in the State Register

APPROVED AS TO FORM AND LEGALITY
1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

Susan E. Quayle
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Amendments to Chapter 4610 Department of Health Rules Pertaining to Morticians, Funeral Directors, and the Disposition of the Dead

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioner of health (hereinafter "Commissioner") proposes to adopt amendments to Minnesota Rules, Chapter 4610.2800, which relates to fees concerning Morticians, Funeral Directors and Funeral Establishments.

A copy of the proposed amendments is attached to this Notice. One additional free copy is available upon request from David F. Schwietz at the address shown below.

The Commissioner has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the provisions of Minnesota Statutes, sections 14.22 to 14.28 (1986). Sections 14.21 to 14.28 provide for an expedited process for the adoption of administrative rule changes without the holding of a public hearing.

The implementation of these amendments will not require the expenditure of public money by local bodies of greater than $100,000.00 in either of the two years following their adoption, nor do the amendments have any impact of agricultural land. The small business considerations in rulemaking are not believed to apply to these amendments pursuant to Minnesota Statutes, section 14.115. Nevertheless, in accordance with section 14.115, subdivision 4(b), notice of this proceeding has been given to the Minnesota Funeral Directors Association for publication in their Bulletin. This Association has a membership of 95% of the state's licensed funeral establishments.

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged;

2. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed;

3. If twenty-five or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held pursuant to Minnesota Statutes, sections 14.131 to 14.20, unless a sufficient number withdraw their request in writing.

4. All comments and any written requests for a public hearing shall be submitted to David F. Schwietz, Supervisor, Mortuary Science Unit, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440

5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed;

6. The proposed amendments may be modified if modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

7. Under this expedited procedure, if a hearing is not required the department must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person who requests to receive the notice. Requests to receive notice must be submitted to David Schwietz at the above address;

8. Authority to amend Minnesota Rules chapter 4610 is contained in Minnesota Statutes, sections 16A.128, subd. 2a, 144.122, 149.04, and

149.05, subd. 4 (1986). Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendment has been prepared and is now available. Anyone wishing to receive a copy of this document may contact David Schwietz at the above address;

9. If twenty-five or more persons request a public hearing on this matter, notice of any such hearing will be published in the State Register;

10. Any amendment made pursuant to this proceeding shall be effective five working days after publication in the State Reigster of notice of the adoption of the amendment.

Dated: July 13, 1987

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

Sister Mary Madonna Ashton
Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Proposed Amendments to Rules 4610 Relating to Morticians, Funeral Directors, Funeral Establishments and the Disposition of the Dead

STATEMENT OF NEED AND REASONABLENESS

This Statement of Need and Reasonableness relates to amendments to fee rules cited as Minn. Rules pt. 4610.2800. The Commissioner's statutory authority to promulgate these rules amendments is contained in Minn. Stat. §§ 144.122 and 149.05.

Chapter 4610.2800 FEES is revised due to notification by Financial Management of the State Health Department relative to the Mortuary Science Unit Budget Analysis.

Exhibit I: The attached memorandum from David Carlson, Financial Management to David F. Schwietz, Supervisor, Mortuary Science Unit, Proposed Fee Increase, is offered as evidence of the need to increase current fees.

The proposed fee increases are as follows:

4610.2800 FEES Subp. 2 - Mortuary Science Fees.
E. Renewal fees $40.00 would be increased to $50.00.

4610.2800 FEES Subp. 3 - Funeral Directors.
B. Renewal Fees $40.00 would be increased to $50.00.

4610.2800 FEES Subp. 4 - A. Funeral Establishment Permit Fee $110.00 would be increased to $135.00.

4610.2800 FEES Subp. 4 - B. Renewal permit fee $110.00 would be increased to $135.00.

The reason for the greater increase of Funeral Establishment Fees over the individual license fee is that most of the Mortuary Science Unit expenses are in the field involving investigations and inspections of Funeral Establishments.

Exhibit II: Also offered as evidence of the need and reasonableness to increase fees is the attached statement from Operations Budget Director Bruce

Reddemann of the Department of Finance, entitled Department of Finance Approval for Increasing the Fees for the Licensing of Morticians, Funeral Directors and Funeral Establishments.

It is anticipated that notification and explanation of increased fees will be given to all licensees at the Minnesota Funeral Directors Association District Meetings, along with a letter of explanation and justification of fee increase.

These rules minimize the duplication of statutory language. See Minn. Stat. § 14.07, subd. 3. The implementation of these rules will not require the expenditure of public money by local public bodies of greater than $100,000 in either of the two years following their adoption, nor do the rules have any impact on agricultural land. See Minn. Stat. § 14.11. The adoption of these rules will have little effect on small businesses. Funeral establishments are considered small business as defined in Minnesota Statute section 14.115. With consideration given to this rule's impact on small business, notification of revision of the rule has been given to the Minnesota Funeral Directors Association of which 95% of the licensed funeral establishments are members.

Exhibit I

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : HEALTH

PHONE : 623-5077

DATE : June 8, 1987

TO : David Schweitz
Mortuary Science

FROM : Dave Carlson
Financial Management

SUBJECT : Proposed Fee Increase

Please find attached, a comparison of estimated receipts to projected expenditures for state fiscal years 1987, 1988, and 1989.

I concur with your proposed fee increase for Morticians and Funeral Directors from $40.00 to $50.00 effective state fiscal year 1988. However, I suggest that the Funeral Establishment fee be established at $125.00 effective state fiscal year 1989 instead of the proposed $135.00.

The suggested fee schedule would allow for increased spending, if approved by the Executive Office, from what you have indicated to me as a conservative budget in the in-state and out-state travel categories.

If you need further assistance, please contact me.

DC:dmt
Attachment
cc: David Hovet

DEPARTMENT OF FINANCE APPROVAL FOR
INCREASING THE FEES FOR THE LICENSURE OF
MORTICIANS, FUNERAL DIRECTORS AND FUNERAL ESTABLISHMENTS

Minnesota Statute 144.122 authorizes the Commissioner of Health to establish fees for the licensure of Morticians, Funeral Directors and Funeral Establishments. The Commissioner will adopt rules to change the fee for Morticians and Funeral Directors from $40.00 to $50.00 effective state fiscal year 1988. The Funeral Establishment fee will change from $110.00 to $135.00 effective state fiscal year 1989.

These proposed fees are in accordance with Minnesota Statute 16A.128, which requires the fees generated to cover the cost of the program.

Upon review of the attached supporting information justifying the amount of the proposed fees and pursuant to authority vested in the Department of Finance (under Minnesota Statute 16A.128), the fees set forth in the proposal of the Commissioner of Health are hereby approved.

6/30/87
Date

Brian M. Peterson
Operations Budget Director

(4)

In the Matter of Amendments
to the Fees for the Licensure
of Morticians, Funeral Directors
and Funeral Establishments

AFFIDAVIT OF MAILING
THE NOTICE OF INTENT
TO ADOPT RULE AMENDMENTS
WITHOUT A PUBLIC HEARING
AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

Dee H. Woodard, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14 subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Department of Health rulemaking mailing list is accurate, complete and current as of this 3rd day of August, 1987.

That on the 3rd day of August, 1987, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Amend Rules Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Dee H. Woodard

Dee H. Woodard, Commissioners Office

Subscribed and sworn to before me
this 3rd day of Aug., 1987.

Louise Kaniuk

LOUISE KANIUK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSON EXPIRES FEBRUARY 22, 1991

Waste Management Board

9200.6200; .6300; .6500; .6600; .6700; .6800; .8220; .8300; .8500; .8600; .9000; .9100 (proposed) 138
9200.6900-.6906 (proposed) 143
7035.6500-.7600 (proposed repealer) 143

Human Services Department

9530.2800; .5300; .6600; .6605; .6630; .6635; .6640; .6645; .6650; .6655; .6800-.7030 (adopted) 53
9550.0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370 (proposed) 133
.9550.6210; .6220 (adopted) 102
9555.5105; .5205; .5305; .5405; .5415; .5505; .5605; .5705; .6105; .6115; .6125; .6145; .6155; .6165; .6167; .6175; .6185; .6195; .6205; .6215; .6225; .6233; .6245; .6255; .6265 (adopted) 148
9555.5100; .5200; .5300; .5400; .6100; .6200; .6300; .6400 (repealed) 148

Proposed Rules

Pursuant to Minn. Stat. of 1984, §§ 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 Agriculture

Notice of Withdrawal of Proposed Rules

Notice is hereby given that the proposed rules relating to buying and storing grain, as published in the *State Register* on June 8, 1987, pages 2226-2234 (11 S.R. 2226), are withdrawn.

The department intends to redraft the rules and publish the redrafted rules and a Notice of Hearing at a later date.

Dated: 9 July 1987

Jim Nichols, Commissioner
Department of Agriculture

Department of Health

Proposed Permanent Rules Relating to Health, Morticians, Funeral Directors, Fees, and Licensing

Notice of Intent to Amend Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Health (hereinafter "Commissioner") proposes to adopt amendments to *Minnesota Rules,* Chapter 4610.2800, which relates to fees concerning Morticians, Funeral Directors and Funeral Establishments.

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.

A copy of the proposed amendments is attached to this Notice. One additional free copy is available upon request from David F. Schwietz at the address shown below.

The Commissioner has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the provisions of *Minnesota Statutes*, sections 14.22 to 14.28 (1986). Sections 14.22 to 14.28 provide for an expedited process for the adoption of administrative rule changes without the holding of a public hearing.

The implementation of these amendments will not require the expenditure of public money by local bodies of greater than $100,000.00 in either of the two years following their adoption, nor do the amendments have any impact on agricultural land. The small business considerations in rulemaking are not believed to apply to these amendments pursuant to *Minnesota Statutes*, section 14.115. Nevertheless, in accordance with section 14.115, subdivision 4(b), notice of this proceeding has been given to the Minnesota Funeral Directors Association for publication in their Bulletin. This Association has a membership of 95% of the state's licensed funeral establishments.

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged;

2. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed;

3. If twenty-five or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held pursuant to *Minnesota Statutes*, sections 14.131 to 14.20, unless a sufficient number withdraw their request in writing.

4. All comments and any written requests for a public hearing shall be submitted to David F. Schwietz, Supervisor, Mortuary Science Unit, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed;

6. The proposed amendments may be modified if modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

7. Under this expedited procedure, if a hearing is not required the department must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person who requests to receive the notice. Requests to receive notice must be submitted to David Schwietz at the above address;

8. Authority to amend *Minnesota Rules* chapter 4610 is contained in *Minnesota Statutes*, sections 16A.128, subd. 2a, 144.122, 149.04, and 149.05, subd. 4 (1986). Additionally a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendment has been prepared and is now available. Anyone wishing to receive a copy of this document may contact David Schwietz at the above address;

9. If twenty-five or more persons request a public hearing on this matter, notice of any such hearing will be published in the *State Register;*

10. Any amendment made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of notice of the adoption of the amendment.

Dated: 13 July 1987

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4610.2800 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Mortuary science fees.** The following fees are mortuary science fees:

A. trainee registration and renewal fee, $25;

B. examination fee, $50;

C. original license fee, $40;

D. license by endorsement, $200;

E. renewal fee, ~~$40~~ $50; and

F. renewal fee late charge, $10.

Subp. 3. **Funeral directors.** The following fees are funeral director fees:

A. application fee, $50;

B. renewal fee, ~~$40~~ $50; and

C. renewal fee late charge, $10.

Subp. 4. **Funeral establishments.** The following fees are funeral establishment fees:

A. funeral establishment permit fee, ~~$110~~ $135;

B. renewal permit fee, ~~$110~~ $135; and

C. renewal permit late charge, $15.

Department of Veterans Affairs

Proposed Permanent Rules Relating to Veterans Home Discharge Provisions and Fees

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Veterans Affairs proposes to adopt the above-entitled rules without a public hearing following procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28.

Authority to adopt the proposed rules, parts 9050.0100 to 9050.3900 is contained in *Minnesota Statutes,* section 196.04, subdivision 1.

Persons interested in these rules shall have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules and 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 a rule within the 30-day comment period. IF 25 OR MORE PERSONS SUBMIT A WRITTEN REQUEST FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A PUBLIC HEARING WILL BE HELD UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule 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:

Minnesota Department of Veterans Affairs
Veterans Service Building
20 West 12th Street
St. Paul, MN 55155
Attn: Terrence A. Logan
Telephone (612) 296-2764

The proposed rules may be modified if the modifications are supported by data and views and do not result in substantial changes in the proposed rules as noticed.

A Statement of Need and Reasonableness that describes the need for reasonableness of each provision of the rules has been prepared and is available from Terrence A. Logan upon request.

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 the 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

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.

(7)

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of
Amendments to Mortuary
Science Fee Rule

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER ADOPTING RULE
WITHOUT PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule amendments was published in the State Register on August 3, 1987, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on August 3, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

Before the notice of intent to adopt rules was submitted to the State Register, a copy of the notice and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the evidence in the record before the agency, I find that the above-captioned rule amendments are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule amendments identified as Minn. Rules pt. 4610.2800, subps. 2, 3 and 4 are adopted this 12th day of September, 1987, pursuant to authority vested in me by Minnesota Statutes, section 144.122.

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

for Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner of Health

(8)

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
COMMISSIONER OF HEALTH

In the Matter of
Amendments to Mortuary
Science Fee Rule

DECLARATION OF COUNSEL

I, Special Assistant Attorney General Robert T. Holley, do hereby declare that I have examined the above-captioned rule amendments, and the supporting rulemaking record, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed without any exceptions. For Attorney General billing purposes, the four-digit docket client code is 1150.

Dated: September 17, 1987

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

ADDRESS REPLY TO:
SUITE 136
2829 UNIVERSITY AVENUE S.E.
MINNEAPOLIS, MN 55414
TELEPHONE: (612) 341-7272

September 17, 1987

RECEIVED
ATTORNEY GENERAL'S OFFICE
SEP 21 1987
204 ADMINISTRATION BLDG
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

Office of the Minnesota Attorney General
204 State Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Attention: Rita M. Desmond

Re: In the Matter of Amendments to Mortuary Science Fee Rule

Dear Ms. Desmond:

Enclosed for your division's earliest review under Minn. Stat. § 14.26 (1986) and Minn. Rules pt. 2010.0300 are the following documents in the above subject noncontroversial rulemaking proceeding:

1. A copy of the proposed rule amendment with a certificate of approval as to form by the revisor of statutes attached. See Minn. Rules pt. 2010.0300.D.

2. The notice of intent to amend rules without a public hearing as mailed. Id. at E.

3. The statement of need and reasonableness. Id. at F.

4. The affidavit of mailing the notice of intent to amend rules without a public hearing and certificate of mailing list. Id. at G.

5. A photocopy of the notice of intent to amend rules without a public hearing as published in the State Register. Id. at H.

6. Four copies of the rule amendments as adopted. Id. at I.

7. Findings of fact, conclusions, and order adopting rule without a public hearing. Id. at K.

8. Declaration of counsel. Id. at M.

Please note that no written requests, submissions, or comments on the rule amendments were received, that no one requested notice of this submission to the

Attorney General, and that the rule amendments as adopted are precisely identical to the amendments as proposed. Further, the requirements of Minn. Rules pt. 2010.0300A, B, and C are not believed to be applicable to this proceeding.

If there are any questions about the amendments or if anything further may be required relative to your division's review, please call me at your earliest convenience.

Very truly yours,

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

RTH:lb

Enclosures

cc: David Schwietz

Rule

See Proposed. Not all new material.

Authority

144.122 ok

149.05(4)