

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

File No. 153-1

Docket . 05-0009.0138

DATE RECEIVED 11/9/88

ADOPTED W/O HEARING X

REVIEW DATE 11/18/88

EMERGENCY RULE

DUE DATE 11/23/88

REVISOR APPROVED X

APPROVED 11/21/88 JEA

REVISOR DISAPPROVED

DISAPPROVED

FILED W/SEC. OF STATE

WITHDRAWN

RETURNED TO AGENCY

✓ 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 (if applicable)~~

✓ Board's Authorizing Resolution

8/9/88 Date adopted

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

326.241 Statutory Authority
~~yes~~ Small Business Statement
~~no~~ Expenditure of public money statement
~~NO~~ Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
~~N/A~~ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

9/12/88 Date (30)/25 days before adoption
RR Notice attached
~~Copy of rule or summary attached~~

✓ Publication in State Register

9/19/88 Date (30)/25 days before adoption

180-day deadline from:

10/19/88 end of comment period (§ 14.26) (rules without hearing)
~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting

11/8/88 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

11/8/88 Date

Written requests, submissions or comments (1)

✓ Declaration of attorney

Lou Hoffman Name of SAAG representing agency

~~Notice of Submission to Atty. Gen. (if applicable)~~

~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

ATTORNEY GENERAL

November 21, 1988

LOUIS HOFFMAN
Special Assistant
Attorney General

JACQUELYN E. ALBRIGHT
Special Assistant
Attorney General

6-9715

In the Matter of the Adopted Rule Relating to
Supervsion of Unlicensed Personnel

The above-referenced rule has been approved as to its legality by the Attorney General on November 21, 1988.

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 accoradance 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:rer

Enclosures

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

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL
1100 Bremer Tower

DATE : November 8, 1988

TO : RITA DESMOND
Legal Assistant
Public Finance Division

FROM : LOUIS HOFFMAN
Special Assistant
Attorney General

PHONE : 296-9418

SUBJECT : In the Matter of the Proposed Rule of the State Board of Electricity Amending Supervision of Unlicensed Personnel

RECEIVED
NOV 09 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

Attached please find the materials regarding the above-referenced matter.

LH/psdw2
cc: John D. Quinn
Executive Secretary

Board of Electricity

Adopted Permanent Rules Relating to Supervision of Unlicensed Personnel

Rules as Adopted

3800.0900 SUPERVISION OF UNLICENSED PERSONNEL.

Subpart 1. **Definition of personal on-the-job supervision.** For the purpose of Minnesota Statutes, section 326.242, subdivision 5, "personal on-the-job supervision" shall require that the unlicensed person will have a licensed person present on the job and providing supervision the entire working day. A licensed person shall supervise no more than two unlicensed persons.

Subp. 2. **Definition of job.** For the purposes of Minnesota Statutes, section 326.242, subdivision 5, "job" means each separate building or structure where electrical work is being performed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 28 1988

Joan Anderson Growe

Secretary of State

9:28 AM

APPROVED AS TO FORM AND LEGALITY

Nov 21 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jacquelyn E Albright
SPECIAL ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF ADMINISTRATION

BOARD OF ELECTRICITY

In the Matter of the Proposed
Rule of the State Board of Electricity
Amending Supervision of Unlicensed Personnel

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Leon Barnier, do hereby certify that I am a member and the President of the State Board of Electricity, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Electricity duly and properly called and held on the 9th day of August, 1988, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"Resolved, that John Quinn, Executive Secretary of the State Board of Electricity, is hereby granted the authority and directed to take all steps necessary to adopt rules without a public hearing governing personal on the job supervision of unlicensed persons and the ratio between licensed and unlicensed persons."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of August, 1988.

Leon Barnier

Leon Barnier, President
State Board of Electricity

Shirlee M. Puelston

Shirlee M. Puelston, Vice President
State Board of Electricity

Board of Electricity

Proposed Permanent Rules Relating to Supervision of Unlicensed Personnel

Rules as Proposed

3800.0900 ~~DEFINITION OF ON-THE-JOB~~ SUPERVISION ~~FOR~~ OF UNLICENSED PERSONNEL.

Subpart 1. **Definition of personal on-the-job supervision.** For the purpose of Minnesota Statutes, section 326.242, subdivision 5, "personal on-the-job supervision" shall require that the unlicensed person will have a licensed person present on the job and providing supervision the entire working day. A licensed person shall supervise no more than two unlicensed persons.

Subp. 2. **Definition of job.** For the purposes of Minnesota Statutes, section 326.242, subdivision 5, "job" means each separate building or structure where electrical work is being performed.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Supervision of Unlicensed Personnel

AGENCY: Board of Electricity

MINNESOTA RULES: Chapter 3800

The attached rules are approved for publication in the State Register

David S. Niss
Assistant Revisor

Department of Administration

Board of Electricity

Proposed Rule of the State Board of Electricity Amending Supervision of Unlicensed Personnel

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Electricity ("board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 14.22 to 142.8. Authority for the adopting of this rule is contained in Minn. Stat. § 326.241, subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the 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 withdrew their requests in writing. 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 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the State Register.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173, Griggs-Midway Building
1821 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

The proposed rule 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 rule noticed.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the agency upon request.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.10, Subdivision 11, as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, (612) 296-5148.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity

STATE BOARD OF ELECTRICITY

Proposed Rule Amending Supervision Requirements For Unlicensed Persons

Statement of Need and Reasonableness

MINNESOTA RULE PART 3800.0900

The Minnesota Electrical Act requires that electricians be licensed and that electrical installations be inspected for compliance with acceptable standards for safety to life and property. Minn. Stat. §§ 326.242-.243 (1986). It also makes provision for unlicensed persons to perform electrical work under the supervision of a licensed electrician. Neither the Act nor existing rules of the Board of Electricity define the level of supervision which the Act requires. Minn. Stat. § 326.242, subd. 5 (1986). Minn. Rules pt. 3800.0900 (1987).

The Board has learned from numerous electrical contractors that they have had difficulty competing with or are unable to bid competitively against other electrical contractors because they employ fewer licensed electricians and more unlicensed individuals. The Board is concerned that those unlicensed individuals are performing electrical work without the level of supervision contemplated by the Act or the Board's rules. Minn. Stat. § 326.242, subd. 5 (1986). Minn. Rules pt. 3800.0900 (1987). This raises concerns as to the quality of the electrical work being performed by unlicensed individuals and the safety hazards such work may present to the public.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING.

Most of the businesses regulated by the Board of Electricity are small businesses and the Board has framed all of these regulations considering the needs of small business because the Board estimates that 80 percent of all licensed electrical contractors are small business as defined in Minn. Stat. § 14.115 (1986).

a) The compliance and reporting requirements under Minn. Rules pt. 3800.0900 (1987) were framed for the needs of small business in mind.

b) The compliance and reporting requirements contained in amendments to this rule were drafted with the needs of small business in mind. The Board will notify all contractors concerning the amended rule so that small businesses will not have to monitor the laws or research the requirements.

c) The language was condensed in the rule to be easily understood.

d) This requirement is inapplicable to these requirements.

e) It is not possible to exempt small business from this rule since it would compromise safety standards.

HOFF.CS0

In the Matter of the Proposed Rule of the State Board of Electricity Amending Supervision of Unlicensed Personnel

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Cleona R. Yates, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, Sections 14.14, Subdivision 1a and 14.22 or 14.30, that their names be placed on the State Board of Electricity rulemaking mailing list is accurate, complete, and current as of this 12th day of September, 1988.

That on the 12th day of September, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule 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.

Cleona R. Yates
Assistant Office Manager

Subscribed and sworn to before me
this 12th day of September, 1988.

Joanne P. Peterson

JOANNE P. PETERSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPTEMBER 18, 1990

MAILING LIST - THE FOLLOWING PERSONS WISH TO BE NOTIFIED OF PROPOSED NEW OR REVISED RULE

Clarence Johnson
3615 - 37th Ave. S.
Mpls., MN. 55406

DECEASED

Dennis R. Johnson
3837 - 24th Ave. S.
Mpls., MN. 55406

Associated Builders & Contrs, Inc.
6989 Washington Avenue South
Edina, MN. 55435

Mr. Glenn Strub, Manager
Minnesota Electrical Association
3100 Humboldt Avenue So.
Mpls., MN. 55408

MN. School of Electricity, Inc.
Mr. Wm. Polta
8053 E. Bloomington Freeway
Bloomington, MN. 55420

Mankato State University
Mr. Steve Olinger, Elect. Foreman
Mankato, MN. 56001

Frundt, Frundt & Johnson
117 W. 5th St.
Blue Earth, MN. 56013

POST Board
333 Sibley St., Suite 495
St. Paul, MN. 55101

Lowell Torseth, Exec. Secretary
Board of Architecture, Engineering,
Land Surveying & Landscape Architecture
500 Metro Square
St. Paul, MN. 55101

Building Code Division
ATTN: Peggi Opalinski
408 Metro Square Bldg.
7th & Robert Sts.
St. Paul, MN. 55101

Building Code Division
Norman Osterby **RETIRED**
408 Metro Square Bldg.
St. Paul, MN. 55101

Building Code Division
Dick Brooks, Asst Director
408 Metro Square Bldg.
St. Paul, MN. 55101

Buildign Code Division
Elroy Berdahl, Code Consultant
408 Metro Square Bldg.
St. Paul, MN. 55101

Wolverton Engineering Co.
3953 N.E. Arthur Street
Columbia Heights, MN. 55421

Jean Dawson, Editor
Minnesota Government Report
B-12, Press Room, State Capitol Bldg.
St. Paul, MN. 55155

Thomas M. Polt
Attorney at Law 9/19 - Letter returned w/forwarding expired
McCarthy Bldg.
Eyota, MN. 55934

Associated Bldrs & Contrs, Inc.
Mr. Dan Foth, Exec. Director
6989 Washington Avenue South
Edina, MN. 55435

Phillips Legislative Service, Inc.
459 Rice St.
St. Paul, MN. 55103

Antitrust Division
MN. Attorney General's Office
Mr. Tom ~~Catania~~ Pursell
117 University, 2nd Floor
St. Paul, MN. 55155

Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201 9/21 - Letter returned w/forwarding expired
Falls Church, VA. 22041

Mpls. Tribune
425 Portland Ave.
Mpls., MN. 55488

Peterson, Popovich, Kntuson & Flynn
314 Minnesota Bldg. 9/12 - Letter returned w/no forwarding
St. Paul, MN. 55101

Fredrik M. Christiansen
Room 911, Capitol Square Bldg.
St. Paul, MN. 55101

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Bldg.
310 S. Fourth Ave.
Mpls., MN. 55415

Kathleen Burek, Executive Director
L.C.R.A.R.
Room 510, State Office Bldg.
St. Paul, MN. 55155

Bulletin Publishing Corp.
Eldon R. Anderson, Managing Editor
7163 E. Point Douglas Road
Cottage Grove, MN. 55016

R. K. Larson, Executive Dir.
Outdoor Amusement Bus. Assn., Inc.
4600 W. 77th Street
Mpls., MN 55435

~~I.~~ K. initial shop registration, $50;

~~J.~~ L. initial school registration, $1,000;

~~K.~~ M. renewal shop registration, $35;

~~L.~~ N. renewal school registration, $200;

~~M.~~ O. restoration of registered barber license, $50;

~~N.~~ P. restoration of apprentice license, $45;

~~O.~~ Q. restoration of shop registration, $60;

~~P.~~ R. change of ownership or location, $25; and

~~Q.~~ S. duplicate license, $10.

Subp. 2. **Duplicate license.** Any photocopy of a license made by the board for an official purpose shall be stamped with the office state seal.

Subp. 3. **Restoration fee.** A restoration fee is a fee charged a licensee to restore a license that has not been renewed in a timely manner. The fee is comprised of the license fee plus a late penalty fee.

Subp. 4. **Renewals; schedule.** This subpart governs renewals of licenses and registrations.

A. Apprentices, barbers, instructors, temporary teacher permits, and school licenses shall renew their licenses by no later than December 31 of each year for the ensuing year to avoid a late penalty fee.

B. Shop registration shall be renewed by no later than June 30 of each year for the ensuing year to avoid a late penalty fee.

C. Change of location and change of ownership shall be filed within 30 days of the action.

Subp. 5. **License requirements.** An active barber must hold a current license and must post it at the work station.

REPEALER. Minnesota Rules, parts 2100.0400; 2100.1600; 2100.2800; 2100.4300; 2100.4400; 2100.5200, subparts 3 and 4; 2100.6500; 2100.7200; 2100.7300; 2100.7400; 2100.7500; and 2100.8300 are repealed.

Board of Electricity

Proposed Permanent Rules Relating to Supervision of Unlicensed Personnel

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 142.8. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the 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 withdrew their requests in writing. 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 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register*.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173, Griggs-Midway Building
1821 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

The proposed rule 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 rule noticed.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available form the agency upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.10, Subdivision 11, as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, (612) 296-5148.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity

Rules as Proposed

3800.0900 ~~DEFINITION OF ON-THE-JOB~~ SUPERVISION ~~FOR~~ OF UNLICENSED PERSONNEL.

Subpart 1. **Definition of personal on-the-job supervision.** For the purpose of Minnesota Statutes, section 326.242, subdivision 5, "personal on-the-job supervision" shall require that the unlicensed person will have a licensed person present on the job and providing supervision the entire working day. A licensed person shall supervise no more than two unlicensed persons.

Subp. 2. **Definition of job.** For the purposes of Minnesota Statutes, section 326.242, subdivision 5, "job" means each separate building or structure where electrical work is being performed.

Pollution Control Agency

Proposed Permanent Rules Relating to Water Pollution Control Revolving Fund

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) 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* §§ 14.22 to 14.28 (1986). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 446A.07, Subd. 11 (Supp. 1987).

All persons have until 4:30 p.m. on October 19, 1988 to submit comments 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 comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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.

DEPARTMENT OF ADMINISTRATION

BOARD OF ELECTRICITY

In the Matter of the Proposed
Adoption of the Rule of the
State Board of Electricity Amending
Supervision of Unlicensed Personnel

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

"Resolved, that the Board of Electricity has examined all the documents and has received one comment that was duly noted and no requests for hearing and that the rules amending Supervision of Unlicensed Personnel published in the State Register, September 19, 1988, pp. 648-649, are hereby adopted as published effective five working days after final publication in the State Register, and that John Quinn, Executive Secretary of the Board of Electricity, is hereby authorized to take all steps necessary for the final adoption of these rules."

I hereby certify that the following is a true and correct copy of a resolution adopted by the Board of Electricity.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of November, 1988.

LEON BARNIER, PRESIDENT
State Board of Electricity

ROBERT SEANGER, SECRETARY
State Board of Electricity

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BOARD OF ELECTRICITY

In the Matter of the Proposed Adoption of the Rule of the State Board of Electricity Amending Supervision of Unlicensed Personnel

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

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on September 19, 1988 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 September 12, 1988. 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 list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after the notice of proposed rulemaking.

One comment on the rule was received by the agency and duly noted. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, we find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Supervision of Unlicensed Personnel be adopted this 8th day of November, 1988, pursuant to the authority vested in the Board.

Leon Barnier

LEON BARNIER, PRESIDENT
State Board of Electricity

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BOARD OF ELECTRICITY

In the Matter of the Proposed
Adoption of the Rule of the
State Board of Electricity Amending
Supervision of Unlicensed Personnel

DECLARATION
OF COUNSEL

I, Louis Hoffman, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examiniation, the Administrative Procedures 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 0138.

LOUIS HOFFMAN
Special Assistant
Attorney General

Dated: November 8, 1988

Authority
326.241 subd 6

Notice of Intent
Does not have a signature
Called = The notice which was mailed was not signed.

Findings
1 comment rec'd - not submitted.
called: will be sent rec

Tell Lou → need signature, advise him

INDEX

1. Certificate of Board of Electricity's Authorizing Resolution, Minn. Rules pt. 2010.0300C.

2. Copy of proposed rule with a Certificate of Approval as to Form by the Revisor of Statutes, Minn. Rules pt. 2010.0300D.

3. Notice of Intent to Adopt Rules Without a Public Hearing, as Mailed, Minn. Rules pt. 2010.0300E.

4. Statement of Need and Reasonableness, Minn. Rules pt. 2010.0300F.

5. Affidavit of Mailing Notice of Intent to Adopt Rules Without a Public Hearing plus mailing list. Minn. Rules pt. 2010.0300G.

6. Copy of the Notice of Intent to Adopt Rules Without a Public Hearing as published in the State Register, Minn. Rules pt. 2010.0300H.

7. Four copies of the Rules as adopted, Minn. Rules pt. 2010.0300I.

8. Certificate of Board of Electricity's Resolution Adopting the Rule, Minn. Rules pt. 2010.0300J.

9. Findings of Fact, Conclusions, and Order Adopting Rule Without Public Hearing, Minn. Rules pt. 2010.0300K.

10. Declaration of Counsel, Minn. Rules pt. 2010.0300M.

Bill Richmond Electric Company

332
622 SEVENTH AVE. NO. • PHONE 335-1424 • MINNEAPOLIS, MINN. 55411

- INDUSTRIAL WIRING
- COMERCIAL WIRING
- CONTROLS
- REMODELING
- ELECTRIC HEATING
- HORSE POWER SPECIALISTS

October 11, 1988

Mr. John Quinn, Executive Secretary
State Board of Electricity
S-173, Griggs-Midway Bldg.
1821 University Ave.
St. Paul, MN 55104

Dear John,

In regards to section 3800.0900 Supervision of Unlicensed Personnel:

I believe the part where there should be a licensed man with an unlicensed one would create some hardship on our out of town friends, besides ourselves. I would agree atleast six hour supervision per day and only two helpers because you may need your journeyman for a quick repair at some other customer. I know one thing certain, if you should leave the unlicensed person alone to long you would find out the changes would kill you.

The rest of the rule is good.

Very truly yours,

Bill D Richmond

Bill Richmond

BDR:hh

RECEIVED

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