

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC
2-5-92

RULE REVIEW CHECKLIST

File No. 1895
DATE RECEIVED 2-3-92
REVIEW DATE 2-12-92
DUE DATE 2-18-92
(DIS)APPROVED 2-12-92mjc
WITHDRAWN _____

Docket No. ~~9[illegible]~~ 05.0009.0400
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 2-5-92
REVISOR (DIS)APPROVED 2-7-92
FILED W/SEC. OF STATE 2-12-92
RETURNED TO AGENCY 12-13-92

✓ 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

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
268.021 Statutory Authority 268.0122
No statement Small Business Statement
no statement Expenditure of public money statement
undated Signature unsigned

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Oct 24, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
Oct 28, 1991 Date 30/25 days before adoption
see notes

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of ~~comment period~~ (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

~~Resolution Adopting~~
_____ Date adopted

_____ Findings of Fact, Conclusions & Order Adopting
~~Donald Notvik~~ Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Donald Notvik Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

Rule

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: February 12, 1992

TO: KAY TRACY
Youth Programs Coordinator
Community Based Services
690 American Building
155 East Kellogg Boulevard
St. Paul

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General mjc

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Youth Employment

The above-referenced rule has been approved as to its legality by the Attorney General on February 12, 1992.

Enclosed is your 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, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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:jj

cc: Donald E. Notvik
William Brown, Chief Judge
MaryAnn Hruby

Department of Jobs and Training

Adopted Permanent Rules Relating to Youth Employment

Rules as Adopted

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time of application are eligible for program participation. Ninety percent of the youths hired must be from families which meet the definition for economically disadvantaged under the federal Job Training Partnership Act. Hereinafter, this portion of the program is referred to as the "regular program."

[For text of subps 2a to 6, see M.R.]

APPROVED AS TO FORM AND LEGALITY
February 12 19 92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 12 1992

Joan Anderson Growe
Secretary of State

2:00 PM
PNB

Department of Jobs and Training

Proposed Permanent Rules Relating to Youth Employment

Rules as Proposed

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time ~~they are to begin employment under the program established by the act~~ of application are eligible for program ~~employment~~ participation. ~~Approximately 60~~ Ninety percent of the youths hired ~~should~~ must be from families which meet the definition for economically disadvantaged ~~as established under Public Law Number 97-300, section 4~~ under the federal Job Training Partnership Act. ~~If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area.~~ Hereinafter, this portion of the program is referred to as the "regular program."

[For text of subps 2a to 6, see M.R.]

Approved by Revisor MEO

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Youth Employment

AGENCY: Department of Jobs and Training

MINNESOTA RULES: Chapter 3300

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 12 1992
Joan Anderson Growe
Secretary of State

2:00 PM
PRB

The attached rules are approved for publication in the State Register

Marie E. O'Neill

Marie E. O'Neill
Assistant Revisor

9200932

In the Matter of the Adoption of the Rule of the Minnesota Department of Jobs and Training Governing the Minnesota Youth Program

DECLARATION OF COUNSEL

I, Donald E. Notvik, 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 examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit client code is 0400.

The Notice of Intent to Adopt Rules Without a Public Hearing omitted the statement required by Minn. Rules pt. 2010.0300, subp. E. (12)

Dated: February 3, 1992

Donald E. Notvik
Special Assistant
Attorney General

NOTV/.GM0

Stat Authority

268.021

The commissioner of the department of jobs and training is authorized to adopt rules, including emergency rules in accordance

268.0122

The commissioner of jobs and training shall

supervise the County Boards for employment

end of comment period Nov 29, 1991

Missing E. (12) of the Notice of Intent

SNR is available to the public and the manner in which that document may be requested.

Notice of Intent not signed

SNR = very poor

only small changes have cited wrong part of rule

30 days

30th day falls on Nov 27, 1991

Nov 29 is Friday after Thanksgiving which is State Holiday.

OK because 30 days

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Minnesota Youth Program

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

Notice of the Commissioner's intent to adopt the above entitled rules was published in the State Register on October 28, 1991, and was sent on October 24, 1991, along with a copy of the proposed rules, by United States mail to all persons on the mail list maintained by the department of Jobs and Training pursuant to Minnesota Statutes, sections 14,14, subdivision 1a, and 14.22.

The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt Rules was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comments on the rules for 30 days after notice of the proposed rulemaking. No requests for a public hearing on the rules were received by the department of Jobs and Training. Therefore, the department did not receive requests from 25 or more persons which were not subsequently withdrawn.

The department received one submission or comment on the rules. The single comment was in support of the proposed rules. No requests for notice of submission to the attorney general were received by the department.

Based on the comments and evidence in the record before the department, I find the Following:

No changes were made between the rules as proposed and the rules as adopted. Therefore, no substantive changes were made to the rules as adopted.

The rules identified above are needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the revision to rules identified as Minnesota Youth Program are adopted this 16th day of December, 1991 pursuant to authority vested in me by Minnesota Statutes, section 268.0122, subdivision 5, and 268.33, Subdivision 1.

R. Jane Brown
Commissioner

SF-00006-05 (4/86)

DEPARTMENT : **ATTORNEY GENERAL - Bremer**

STATE OF MINNESOTA

Office Memorandum

DATE : February 3, 1992

bc 2-3-92

TO : **PATRICIA S. NOLTE**
Public Finance

FROM : **DONALD E. NOTVIK**
Special Assistant Attorney General

PHONE : 6-1265

SUBJECT : **In the Matter of the Adoption of the Rule of the Minnesota Department of Jobs and Training Governing the Minnesota Youth Program**

Enclosed are the Declaration of Counsel and rule-making record in the above-referenced matter which is herewith submitted to the Office of the Attorney General for review pursuant to Minn. Stat. § 14.26.

The agency Rules Coordinator is Mike Fratto, Department of Jobs and Training, 390 N. Robert (6-3574).

DEN:ph:.gn6
cc: Mike Fratto

Department of Jobs and Training

Proposed Revision to Permanent Rules Relating to the Minnesota Youth Program

Notice of Intent to Adopt Rules Without a Public Hearing

(1) Notice is hereby given that the Department of Jobs and Training proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28.

These rules have been developed as authorized by Minnesota Statutes, sections 268.021 and 268.0122, subdivision 5, which permit the Commissioner of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers under Minnesota Statutes, chapter 268.

(2) Persons interested in these rules have 30 days in which to submit comments in support of or in opposition to the rules in their entirety or any part or subpart of the rules. Comments are encouraged. (3) 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 30-day comment period. (4) 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. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Kay Tracy
Youth Programs Coordinator
Community Based Services
690 American Building
155 E. Kellogg Blvd
St. Paul, MN 55101
(612) 296-6064

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 29, 1991.

(8) The proposed rules may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rules as noticed.

(11) A copy of the proposed changes to the subject rules are enclosed with this notice.

(9) If no hearing is required upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General 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 to the Attorney General.

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 adopted rules, must submit the written request to:

Michael Fratto
Rules Coordinator
Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101.

R. Jane Brown
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota relating to the Minnesota Youth Program

AFFIDAVIT OF MAILING THE NOTICE OF INTENT AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Michael J. Fratto, Rules Coordinator, being duly sworn deposes and says:

I hereby certify that the list of persons 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 rulemaking mailing list for the Minnesota Youth Program is accurate, complete, and current as of the 24th day of October, 1991.

That on the 24th day of October, 1991, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules and a copy of the rules in the United States mail system, properly enveloped, with postage prepaid, on all persons who have requested that their names be placed said mailing list.

Michael J. Fratto
Rules Coordinator
Management Planning Office
Department of Jobs and Training

Subscribed and sworn to before me
this 25th day of October, 1991.

Dan W. Simpson
Notary Public
Ramsey County

DAN W. SIMPSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MARCH 27, 1997

C. certification from the medical advisor or medical director of the licensed ambulance service identified in item B for whom the person is currently working, acknowledging that the applicant has current knowledge, training, and skill proficiency in the use of all basic equipment required in a basic life support ambulance.

Subp. 9. **Persons previously completing approved emergency care refresher courses.** The commissioner shall issue an emergency care course certificate to a person who applies and submits evidence of meeting the requirements of subparts 7 and 8, and of having successfully completed an approved emergency care refresher course after July 1, 1990.

REPEALER. *Minnesota Rules*, part 4690.4600, subparts 7, 8, and 9 are repealed August 1, 1994.

Department of Jobs and Training

Proposed Permanent Rules Relating to Youth Employment

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Jobs and Training proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28.

These rules have been developed as authorized by *Minnesota Statutes*, sections 268.021 and 268.0122, subdivision 5, which permit the Commissioner of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers under *Minnesota Statutes*, chapter 268.

Persons interested in these rules have 30 days in which to submit comments in support of or in opposition to the rules in their entirety or any part or subpart of the rules. Comments are 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 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. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules 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.

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

Kay Tracy
Youth Programs Coordinator
Community Based Services
690 American Building
155 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 296-6064

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 29, 1991.

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

A copy of the proposed changes to the subject rules follows this notice.

If no hearing is required upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General 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 to the Attorney General.

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 adopted rules, must submit the written request to Michael Fratto.

R. Jane Brown, Commissioner
Department of Jobs and Training

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.

Rules as Proposed

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time ~~they are to begin employment under the program established by the act~~ of application are eligible for program ~~employment~~ participation. ~~Approximately 60~~ Ninety percent of the youths hired ~~should~~ must be from families which meet the definition for economically disadvantaged ~~as established under Public Law Number 97-300, section~~ 4 under the federal Job Training Partnership Act. ~~If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area.~~ Hereinafter, this portion of the program is referred to as the "regular program."

[For text of subps 2a to 6, see M.R.]

Minnesota Racing Commission

Proposed Permanent Rules Relating to Teleracing and Simulcast

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing With Respect to the Proposed Amendments, and Notice of Intent to Cancel Hearing on the Proposed Rules if Fewer Than 25 Persons Request a Hearing With Respect to the Proposed Rules

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Racing Commission (hereinafter "Commission") hereby gives notice of its intent to adopt rules without a public hearing under the non-controversial rulemaking procedure of *Minnesota Statutes*, section 14.22 to 14.28 (1990). However, in the event 25 or more persons request a hearing with respect to the proposed amendments to the rules, thereby necessitating that one be held pursuant to *Minnesota Statutes*, section 14.25 (1990), and in order to expedite the rulemaking process should that occur, the Commission is at the same time giving notice of a hearing on the proposed rules pursuant to *Minnesota Statutes*, sections 14.131 to 14.20 (1990). The hearing on the proposed rules will, of course, be cancelled if 25 or more persons do not request that a hearing be held with respect to the proposed rules. With the comment period closing on November 27, 1991, there will be 14 days before the scheduled hearing date. This 14-day period will give interested persons time to contact the Commission to find out whether the hearing will be held or cancelled.

II. NOTICE OF INTENT TO REPEAL AND ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission (hereinafter "Commission") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Commission has determined that the proposed rules will be non-controversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28 (1990).

Interested persons shall have until November 27, 1991 to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Commission and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request **in writing** during the comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Commission be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Commission to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held if 25 or more persons submit **in writing** requests for a hearing on the proposed rules or a portion thereof by November 27, 1991. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections 14.14 to 14.20 (1990), and the hearing notice provided before.

Comments or written requests for a public hearing should be submitted to:

Richard G. Krueger
Minnesota Racing Commission
Suite 201
11000 West 78th Street
Eden Prairie, Minnesota 55344

DEPARTMENT OF JOBS AND TRAINING

October 23, 1991

Maryanne V. Hruby
Legislative Commission
to Review Administrative Rules

Michael J. Fratto
Management Planning Office

296-3574

Statement of Need and Reasonableness for Minnesota Youth Program Rules

As required by Minnesota Statutes, sections 14.131 and 14.23, I am submitting a copy of the Statement of Need and Reasonableness for the Minnesota Youth Program Rules. The Notice of Intent to Adopt Rules will be published in the October 28, 1991 State Register. Beginning today the Statement of Need and Reasonableness will be made available to the public.

cc: Jon L. Lunde
Enc.

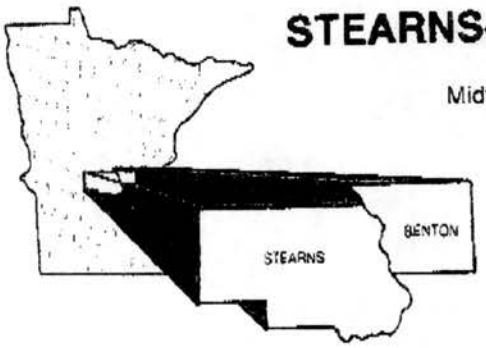
STATEMENT OF NEED AND REASONABLENESS

These rules are prepared by the Department of Jobs and Training (DJT) in accordance with the provisions of the Minnesota Administrative Procedures Act (APA), Minnesota Statutes Section 14.22 to 14.28. The proposed rules for the Minnesota Youth Program (MYP) are developed pursuant to Minnesota Statutes Section 268.33, as amended by Chapter 282, 1989 Session Law, Article 2, Section 170.

Because the proposed rules will have no effect on small businesses, Section 14.115, Subdivision 1, of the Administrative Procedures Act does not apply.

3300.0100 OPERATION PROCEDURES

Subpart 1. **Regular Program.** The rule change will increase from 60% to 90% the minimum number of economically disadvantaged youth to be served each year under the Minnesota Youth Program (MYP). The option to apply for a waiver to the requirement to serve economically disadvantaged youth at a minimum level has also been eliminated. The rule change reflects the need to target MYP resources to youth and families who are most in need of services at the local level. Youth from non-disadvantaged families who need and would benefit from MYP participation may still be served under the 10% window for youth whose family incomes are above poverty level.



STEARNS-BENTON EMPLOYMENT & TRAINING COUNCIL

Midtown Square • 3333 West Division • Box 615 • St. Cloud, MN 56302-0615
Office: 612-656-3990 • (FAX 612-259-4625)

22 November 1991

Kay Tracy
Youth Programs Coordinator
Community Based Services
690 American Center Building
155 East Kellogg Boulevard
St. Paul, MN 55101

Dear Ms. Tracy:

In response to the proposed rule change regarding 3300.0500 Operation Procedures, our agency has the following comments:

> As we responded earlier when the proposal was in draft stage, we are in agreement with the proposed change and are achieving this presently.

Sincerely,

Joyce Belford

Joyce Belford
Director

JB:lsj

Office of the Revisor of Statutes
Administrative Rules

Marie E. O'Neill
Assistant Revisor
296-0955



700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

October 29, 1991

Mike Fratto
Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101

RE: File No. 1945

Dear Mr. Fratto:

Enclosed are stripped copies of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

MEO/mm

Marie E. O'Neill