

**Department of State****Division of Publications**

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**For Department of State Use Only**

Sequence Number: 01-06-09  
 Rule ID(s): 3951  
 File Date: 01/07/09  
 Effective Date: 05/29/09

# Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.*

<b>Agency/Board/Commission:</b>	Department of Labor and Workforce Development
<b>Division:</b>	Division of Occupational Safety and Health
<b>Contact Person:</b>	Mike Maenza
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised** (for additional chapters, copy and paste table)

Chapter Number	Chapter Title
0800-01-04	Occupational Safety and Health Inspections, Citations and Proposed Penalties
Rule Number	Rule Title
0800-01-04-.21	Fees or Charges for Information

The text of the proposed amendments is as follows:

Amendments

Rule 0800-01-04-.21 Fees or Charges for Information is amended by deleting the rule in its entirety, and by substituting instead the following language so that, as amended, the rule shall read as follows:

0800-01-04-.21 Charges for Copies of Public Records.

(1) Charges for copies of public records released by the Division of Occupational Safety and Health under the authority of the Commissioner of Labor and Workforce Development will be assessed in accordance with Department of Labor and Workforce Development Rule 0800-08-01 Charges for Copies of Public Records.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the \_\_\_\_\_ (board/commission/other authority) on \_\_\_\_\_ (date as mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 12-3-08

Signature: James G. Neeley

Name of Officer: James G. Neeley  
Commissioner of Labor and Workforce

Title of Officer: Development



Subscribed and sworn to before me on: 12/3/08

Notary Public Signature: Frances Travis

My commission expires on: 1/23/10

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.  
Robert E. Cooper, Jr.  
Attorney General

12-19-08  
Date

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Filed with the Department of State on: 1/7/09

Effective on: 5/29/09

Riley C. Darnell  
Riley C. Darnell  
Secretary of State

## **Regulatory Flexibility Addendum**

Pursuant to Public Chapter 464 of the 105<sup>th</sup> General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

An economic impact statement regarding the amendments in this rule proposal is not required under the provisions of the Regulatory Flexibility Act of 2007. As stated in Section 6 of Public Chapter 464, "This part shall not apply to rules that are adopted on an emergency or public necessity basis under Title 4, Chapter 5, Part 2, that are federally mandated, or that substantially codify existing state or federal law." Pursuant to Public Chapter 1179, Public Acts, 2008 a schedule of reasonable charges was developed for extracts, copies, photographs or Photostats as described in § 10-7-503(a). The provisions of Rule 0800-01-04-.21 being deleted by this amendment contain fees that are in conflict with the provisions of the newly developed schedule of reasonable charges for copies published by the Office of Open Records Counsel as there is no documentation to support the higher rate expressed in the current rule.

## Additional Information Required

1. Rule 0800-01-04-.21 is amended in order to adopt the Department of Labor and Workforce Development Rule 0800-08-01 Charges for Copies of Public Records. This rule adopts the Office of Open Records Counsel, Comptroller of the Treasury's schedule of reasonable charges for copies.
2. No documentation exists to support the higher fees stated in Rule 0800-01-04-.21 therefore this rule is being deleted and replaced with 0800-08-01. It appears that there are no objections to the proposed amendments to the rules since no inquiries have been made.
3. There have been no Attorney General opinions or judicial rulings relevant to these rules.
4. There are no anticipated increases or decreases in state and local government revenues and expenditures resulting from promulgation of the proposed rules and amendments to the existing rules.
5. Michael M. Maenza, Manager of Standards and Procedures, Division of Occupational Safety and Health, is the agency representative most knowledgeable about these rules.
6. Michael M. Maenza, Manager of Standards and Procedures, Division of Occupational Safety and Health, will explain the rules at a scheduled meeting of the committees.
7. Office address and telephone number of agency representative:  
Tennessee Department of Labor and Workforce Development  
Division of Occupational Safety and Health  
220 French Landing Drive  
Nashville, TN 37243-1002  
(615) 741-7036