

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File # 535

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 8-27-79 Temporary Rule ✓

Resubmitted and Received _____

DUE DATE 9-1-79

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved 8/28 Date Sent Back to Agency 8-28

- -

1. Rules as Adopted _____
2. Rules as Proposed _____
3. Certificate of Board's Authorizing Resolution, where applicable _____
4. Order for Hearing _____
5. Notice of Hearing _____
   (i) Sufficiency _____
6. Secretary of State's List _____
7. Certificate of Acquisition of Secretary of State's List _____
8. Affidavit of Mailing _____
   (i) At least 30 days prior to hearing _____
9. Statement of Need and Evidence _____
10. Hearing Examiner's Report _____
11. Agency's Findings of Fact _____
12. Certificate of Board's Resolution Adopting Rules, where applicable _____
13. Order Adopting _____
14. Report of Chief Hearing Examiner _____
    (i) Finding of No Substantial Change _____
    (ii) Permission to Incorporate by Reference, where applicable _____
15. Certificate of Compliance with Rulemaking Procedures _____
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____
17. Petition by Public, where applicable _____.

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

TO : Lee E. Sheehy, Esq.
Special Assistant Attorney General
Department of Administration
Administration Building, Room G-25

DATE: August 30, 1979

FROM : Gerald Heil, Director GH
Division of Planning

PHONE: 6-1486

SUBJECT: In the Matter of the Proposed Temporary Rules Governing Sanitation and Reforestation Grants, and Wood Utilization and Disposal System Grants

Enclosed is a copy of the Temporary Rules, referred to above, as proposed and published at State Register, Volume 4, Number 1, pp. 6-9, July 9, 1979 (4 S.R. 6). If you desire additional information, please call me.

GH:dw

Enclosure

cc:
File

RECEIVED
AUG 31 1979
ATTO
ADMINISTRATIVE AGENCIES

PRINTED ON RECYCLED PAPER

Board of Accountancy

Proposed Temporary Rule Regarding Application for Certificate and License as a Licensed Public Accountant

Request for Public Comment

These rules are promulgated pursuant to Minn. Stat. §§ 214.06, 326.18, and 326.22 (1978), *as amended;* Laws of 1979, ch. 326.

Notice is hereby given that the State Board of Accountancy has proposed the following temporary rules governing the application fees for certificate and license and for reciprocal certificate and reciprocal license for licensed public accountants.

The Board of Accountancy hereby affords all interested persons the opportunity to submit data and views concerning the subject matter of the proposed temporary rules.

Data or views must be submitted in writing and shall be mailed or delivered to:

Marian Flanagan, Executive Secretary
Board of Accountancy
Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101

All data and views must be received within twenty (20) days following the publication of this notice and the following rules at *State Register*.

Such publication is hereby ordered.

Thomas D. Spaeth, Member
State Board of Accountancy

Temporary Rules as Proposed

Chapter Eleven: Fee for License and Renewal

4 MCAR § 6.110 Applications shall be accompanied by the fees in the following amounts:

A. Application for certified public accountant examination by first time applicants. $100.00.

B. Application for certified public accountant re-examination in failed subjects. $25.00 per subject but not in excess of $100.00. (Accounting practice is considered to be two subjects.) 4 MCAR § 6.044 D. provides that applicants must apply for re-examination in all failed subjects.

C. Application for reciprocal certificate and license for certified public accountant. $75.00.

D. Application for certificate and license for licensed public accountant. $75.00.

E. Application for reciprocal certificate and license for licensed public accountant. $75.00.

Department of Agriculture Shade Tree Program

Proposed Temporary Rules Governing Sanitation and Reforestation Grants, and Wood Utilization and Disposal System Grants

Request for Public Comment

Notice is hereby given pursuant to Minn. Stat. § 15, subd. 5 (1978) that the Minnesota Department of Agriculture will adopt temporary rules pursuant to Laws of 1979, ch. 257, which will amend the existing rules 3 MCAR §§ 1.0112 and 1.0113 on sanitation and reforestation grants and wood utilization and disposal system grants.

All interested may submit written comment or data on these rules to:

Jane Meyer
Minnesota Department of Agriculture
Shade Tree Program
600 Bremer Building
7th and Robert Streets
Saint Paul, Minnesota 55155

Written statements submitted for consideration must be received by July 31, 1979. The proposed temporary rules may be modified if the modifications are supported by the data and views received by the department. The department shall submit to the Attorney General the proposed temporary rules as published, with any proposed modifications for review as to form and legality. The temporary rules shall take effect upon approval of the Attorney General.

The department will publish at *State Register* the Attorney General's decision and the adopted temporary rules upon receipt of the Attorney General's decision.

June 25, 1979

Mark W. Seetin
Commissioner

Amendments as Proposed

3 MCAR § 1.0112 Grants-in-aid to municipalities for sanitation and reforestation program.

The commissioner may, in the name of the state and within the limits of appropriations provided, make grants-in-aid to a municipality with an approved disease control program for the partial funding of municipal sanitation and reforestation programs. One grant shall be made for all eligible sanitation and reforestation costs.

A. Sanitation and reforestation grants

1. ~~A.~~ Sanitation ~~grants~~. Grants to any municipality for sanitation shall not exceed ~~forty-five~~ fifty (~~45~~ 50) percent of the municipality's total cost for sanitation approved by the

commissioner. The total cost may include any amounts paid for sanitation by special assessments, ad valorem taxes, federal grants, or other funds. A municipality may assess to the abutting property not more than fifty (50) percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to that abutting property.

Grants shall not be made to a municipality if the total cost of tree removal has been incurred solely by the individual property owner and the municipality has not reduced the cost of the property owner via direct subsidy or reduced special assessment. The only amount that may be included in the municipality's total cost for purposes of computing the above described reimbursement is the reduction of the cost to the property owner. Provision is made for municipalities with population of less than 1,000 pursuant to Minn. Stat. § 18.023, subd. 3c, as amended.

2. ~~B.~~ Reforestation ~~grants~~. Grants to any municipality for reforestation shall not exceed ~~either~~ fifty (50) percent of the cost to the municipality for reforestation~~;~~ . ~~or forty (40) dollars multiplied by the number of trees planted on public lands pursuant to the reforestation programs, whichever is less.~~ The grant for these trees shall not exceed fifty (50) dollars per tree.

~~1. Reforestation grants to a municipality shall be limited in any calendar year to grants for not more than the number of trees removed from public lands in the sanitation program in the previous calendar year except during the first year of an approved disease control program. During the first year of an approved disease control program, there shall be no restriction upon the number of trees for which grants may be made.~~

a. ~~2~~ Reforestation grants to any county with an approved disease control program may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands in a town not defined as a municipality of less than 1,000 population, upon the town's application to the county and county's designation of the town as a disease control area. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree.

b. ~~3~~ Reforestation grants to towns and home rule charter or statutory cities with an approved disease control program which are defined as municipalities in the act and are less than ~~1,000~~ 4,000 in population may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands. The grant for these fifty (50) trees shall not exceed sixty (60) dollars.

c. Any municipality as defined in this act that receives a grant for reforestation shall appoint up to seven (7) residents of the municipality or designate an existing municipal board or committee to serve as a reforestation advisory committee to advise the municipality in the administration of the reforestation program.

B. ~~C.~~ Program eligibility. Any municipality is eligible to receive sanitation and reforestation grants upon submitting to the commissioner by November 15 a completed program application form provided by the commissioner, and upon receiving notice of an approved disease control program designation. Extensions shall be granted for good cause shown.

1. The program application shall serve as the basis for approving the municipality's shade tree disease control program.

2. Approval shall be granted only upon the municipality's agreement to conduct its sanitation program in conformance with these rules and disease control practices designated by the commissioner upon the recommendation of the Shade Tree Advisory Committee.

3. Approval shall only be granted upon the municipality's agreement to conduct its reforestation program in a manner consistent with advice and counsel given the commissioner by the Minnesota Agricultural Extension Service.

4. Program approval may be revoked upon a determination by the commissioner that the municipality has failed to conduct its sanitation and reforestation program in conformance with the standards set forth in this rule. Such a determination or disapproval of a municipal program or control area may be appealed by the municipality and upon request, a hearing pursuant to Minn. Stat. ch. 15 shall be granted.

5. Sanitation and reforestation grants may be terminated upon municipality's failure to maintain an approved shade tree disease control program and upon evidence that proper record-keeping and documentation has not been maintained.

C. ~~D.~~ Program application. To receive a sanitation and reforestation grant, a municipality shall submit to the commissioner by November 15 a completed program application form provided by the commissioner.

1. A municipality's program application shall include, but not be limited to, the following information:

a. An inventory of shade trees within the municipality's disease control area and an estimate of the distribution of these shade trees between public and private lands;

b. A complete description of the municipality's sanitation and reforestation programs which shall include:

(1) The method and schedule of diseased trees surveys;

(2) The extent of disease control tree trimming activities;

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

(3) The policies for removal of trees on public lands;

(4) The policies for removal of trees on private lands;

(5) The method and location of disposal tree wastes;

(6) The policies for planting new shade trees, including:

(a) The source of nursery stock, if known

(b) Species planted;

(c) Type of stock planted;

(d) Distribution of species; and,

(e) Other revelant information;

(7) The methods of financing sanitation and reforestation programs, including:

(a) The use of funds derived from general tax levies;

(b) Special assessments;

(c) Federal funds;

(d) Other sources of funding; and,

(8) A complete description of the municipality's subsididy program, if any.

(9) The name or names of the person or persons or committee appointed by the municipality to advise the municipality in the administration of the reforestation program.

c. A statement of planned expenditures for the sanitation and reforestation program for the calendar year.

d. A copy of the local ordinances and resolutions authorizing the local shade tree program.

e. Other information deemed necessary and relevant by the commissioner.

~~2. Grants for sanitation shall be forty-five (45) percent of the applicant's planned expenditures for sanitation, unless forty-five (45) percent of the total planned expenditures for all applicants exceeds the funds designated for sanitation grants; in which case, grants shall be a pro rata allocation among the eligible applicants.~~

2. ~~3.~~ Except for the first fifty (50) trees for towns and cities as set forth in ~~4.~~ 3. below, grants for sanitation and reforestation shall be fifty (50) percent of the applicant's planned expenditures for sanitation and reforestation, unless fifty (50) percent of the total planned expenditures for all applicants exceeds the funds designated for sanitation and reforestation grants; in which case, grants shall be a pro rata allocation among the eligible applicants. Such grants shall not exceed fifty (50) dollars per tree.

3. ~~4.~~ Grants for ~~reforestation~~ planting the first fifty (50) trees on public lands in eligible towns and cities ~~shall~~ may be ninety (90) percent of the town's or city's planned expenditures for planting ~~the first fifty (50) trees on public lands~~ those trees~~.~~, providing the availability of sufficient funding. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree.

3 MCAR § 1.0113 Grants-in-aid for wood utilization and disposal systems.

A. The commissioner shall, within the monies appropriated, make grants-in-aid to eligible applicants for the cost of facilities, equipment, and systems for the disposal or utilization of diseased shade trees. Such grants-in-aid shall be made to:

1. Any home rule charter or statutory city, ~~of more than 40,000 population in the metropolitan area or a combination of such cities with a combined population of 40,000 under a joint powers agreement pursuant to Minn. Stat. § 471.59 (1976);~~

~~2. Any home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities with a combined population of 20,000 under a joint powers agreement pursuant to Minn. Stat. § 471.59 as amended;~~

2. ~~3.~~ Any special purpose park and recreation board organized under a charter of a city of the first class;

3. ~~4.~~ Any non-profit corporation serving a city of the first class; or,

4. ~~5.~~ Any county.

B. Such grants shall be made with the following provisions:

1. The city (cities) or county has an approved shade tree disease control program as described in the act or these rules;

2. Grants-in-aid may be less than but shall not exceed fifty (50) percent of the cost of such facility, equipment, or system;

3. Grants-in-aid shall not be made for costs of operating such facility, equipment, or system;

4. Grants-in-aid for site acquisitions shall be made only for land used in the actual operational site;

5. Grants-in-aid shall not be made by the commissioner until he receives certified evidence of the actual cost of the equipment or site; and,

C. Criteria for administration of grants-in-aid:

1. Grants-in-aid to eligible applicants shall be made by the commissioner provided that such wood disposal utilization system meets the following criteria:

a. It aids in the control of shade tree diseases;

b. It aids in the recovery of material or energy from wood;

c. It is located to accomplish the above with maximum efficiency and use of available facilities;

d. It is available to all parties, public and private;

e. It is able to render wood pest-risk free within five (5) days of delivery to the site unless an extension of time has been granted by the commissioner based on existing circumstances of the disposal/utilization site;

f. It includes adequate manpower to operate and service equipment; and,

g. It provides for proper handling and the timely removal of processed wood from the site.

2. In addition to the general criteria under C. 1. above, the commissioner, as appropriate, may consider other specific criteria including the following in evaluating grant payment requests:

a. Sites for wood disposal systems:

(1) Shall be selected on the basis of anticipated volumes of wood and/or the need for a wood disposal system;

(2) Shall be accessible by roadways that permit year-round truck traffic;

(3) Shall have adequate storage areas for both processed wood and equipment;

(4) Shall have protective enclosures, adequate control, and supervision to prevent entry of unwanted materials and unauthorized persons;

(5) Shall be in compliance with all applicable Federal and State statutes, rules and regulations; and,

(6) Shall be in conformance with regional solid waste management plans and requirements.

b. Equipment for wood disposal systems:

(1) Shall, where feasible, be portable so that it can be used for servicing more than one site;

(2) Shall be stationary only when the anticipated volume over a five-year period will fully utilize the facility;

(3) Shall be capable of processing large-diameter logs; and,

(4) Shall include auxiliary units and equipment necessary to the operation of the system.

3. Requests for grant-in-aid payments shall be made on forms provided by the commissioner. Contingent upon the availability of funds, the timeliness of applications and other administrative considerations, the commissioner may set deadlines for consideration of requests which shall be published in the State Register at least thirty (30) days prior to the deadline. Requests for payments shall include the following:

a. An itemized list of the applicant's proposed expenditures for qualifying equipment and/or site, and the total amount of these expenditures; and,

b. Additional documents or other information deemed relevant by the commissioner.

4. Records.

a. Applicants receiving grants-in-aid under this rule shall keep detailed records concerning the operation of the wood disposal and utilization system and shall make these records available to the commissioner at any reasonable time. Such records shall include:

(1) Hours of operation;

(2) Clientele served;

(3) Volume of wood handled; and,

(4) Other information deemed necessary and relevant by the commissioner.

b. A yearly report containing a summation of these records shall be made to the commissioner by December 1.

Pollution Control Agency

Rules 6 MCAR § 4.0033, Standards of Performance for Coal Handling Facilities, and 6 MCAR § 4.0040, Fugitive Emissions Within Designated Areas

Notice of Hearing

Notice is hereby given that rule hearings in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, on Monday, August 13, 1979, commencing at 9:00 a.m.; Tuesday, August 14, 1979, commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day; Wednesday, August 15, 1979, commencing at 9:00 a.m. An additional day of hearing will be held in Duluth, Minnesota, in the St. Louis County Commissioners Board Room in the St. Louis County Court House commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day. The hearing will be continued on subsequent days if necessary in the Board Room of the Minnesota Pollution Control Agency until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate at the rule hearing. Statements may be made orally and written materials may be sumbitted at the hearing. In addition, written materials may be submitted by mail to Mr.

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Temp Rule

DEPARTMENT OF AGRICULTURE

SHADE TREE PROGRAM

Proposed Temporary Rules Governing Sanitation and Reforestation Grants, and Wood Utilization and Disposal System Grants

Request for Public Comment

NOTICE IS HEREBY GIVEN pursuant to Minn. Stat. 15, Subd. 5 (1978) that the Minnesota Department of Agriculture will adopt temporary rules pursuant to Laws of 1979, Chapter 257, which will amend the existing rules 3 MCAR 1.0112 and 1.0113 on sanitation and reforestation grants and wood utilization and disposal system grants.

All interested may submit written comment or data on these rules to:

Jane Meyer
Minnesota Department of Agriculture
Shade Tree Program
600 Bremer Building
7th and Robert Streets
Saint Paul, Minnesota 55155

Written statements submitted for consideration must be received by July 31, 1979. The proposed temporary rules may be modified if the modifications are supported by the data and views received by the department. The department shall submit to the Attorney General the proposed temporary rules as published, with any proposed modifications for review as to form and legality. The temporary rules shall take effect upon approval of the Attorney General.

The department will publish in the State Register the Attorney General's decision and the adopted temporary rules upon receipt of the Attorney General's decision.

Mark W. Seetin, Commissioner

Department of Agriculture

Date: June 25, 1979

§ 1.0112 Grants-in-aid to municipalities for sanitation and reforestation program. The commissioner may, in the name of the state and within the limits of appropriations provided, make grants-in-aid to a municipality with an approved disease control program for the partial funding of municipal sanitation and reforestation programs. One grant shall be made for all eligible sanitation and reforestation costs.

A. Sanitation and reforestation grants

1. Sanitation ~~grants~~. Grants to any municipality for sanitation shall not exceed ~~forty-five~~ fifty (45- 50) percent of the municipality's total cost for sanitation approved by the commissioner. The total cost may include any amounts paid for sanitation by special assessments, ad valorem taxes, federal grants, or other funds. A municipality may assess to the abutting property not more than fifty (50) percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to that abutting property.

Grants shall not be made to a municipality if the total cost of tree removal has been incurred solely by the individual property owner and the municipality has not reduced the cost of the property owner via direct subsidy

or reduced special assessment. The only amount that may be included in the municipality's total cost for purposes of computing the above described reimbursement is the reduction of the cost to the property owner. Provision is made for municipalities with population of less than 1,000 pursuant to Minn. Stat. § 18.023, subd. 3c, as amended.

~~B~~ 2. Reforestation ~~grants~~. Grants to any municipality for reforestation shall not exceed ~~either~~ fifty (50) percent of the cost to the municipality for reforestation~~;~~ . ~~or forty (40) dollars multiplied by the number of trees planted on public lands pursuant to the reforestation programs, whichever is less.~~ The grant for these trees shall not exceed fifty (50) dollars per tree.

~~1.--Reforestation grants to a municipality shall be limited in any calendar year to grants for not more than the number of trees removed from public lands in the sanitation program in the previous calendar year except during the first year of an approved disease control program.--During the first year of an approved disease control program, there shall be no restriction upon the number of trees for which grants may be made.~~

~~2~~ a. Reforestation grants to any county with an approved disease control program may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands in a town not defined as a municipality

of less than 1,000 population, upon the town's application to the county and county's designation of the town as a disease control area. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree.

~~3~~ b. Reforestation grants to towns and home rule charter or statutory cities with an approved disease control program which are defined as municipalities in the act and are less than ~~1,000~~ 4,000 in population may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands. The grant for these fifty (50) trees shall not exceed sixty (60) dollars.

c. Any municipality as defined in this act that receives a grant for reforestation shall appoint up to seven (7) residents of the municipality or designate an existing municipal board or committee to serve as a reforestation advisory committee to advise the municipality in the administration of the reforestation program.

~~C~~ B. Program eligibility. Any municipality is eligible to receive sanitation and reforestation grants upon submitting to the commissioner by November 15 a completed program application form provided by the commissioner, and upon receiving notice of an approved disease control program designation. Extensions shall be granted for good cause shown.

1. The program application shall serve as the basis for approving the municipality's shade tree disease control

program.

2. Approval shall be granted only upon the municipality's agreement to conduct its sanitation program in conformance with these rules and disease control practices designated by the commissioner upon the recommendation of the Shade Tree Advisory Committee.

3. Approval shall only be granted upon the municipality's agreement to conduct its reforestation program in a manner consistent with advise and counsel given the commissioner by the Minnesota Agricultural Extension Service.

4. Program approval may be revoked upon a determination by the commissioner that the municipality has failed to conduct its sanitation and reforestation program in conformance with the standards set forth in this rule. Such a determination or disapproval of a municipal program or control area may be appealed by the municipality and upon request, a hearing pursuant to Minn. Stat. ch. 15 shall be granted.

5. Sanitation and reforestation grants may be terminated upon municipality's failure to maintain an approved shade tree disease control program and upon evidence that proper record-keeping and documentation has not been maintained.

~~D~~ C. Program application. To receive a sanitation and reforestation grant, a municipality shall submit to the commissioner by November 15 a completed program application form provided by the commissioner.

1. A municipality's program application shall include, but not be limited to the following information:

a. An inventory of shade trees within the municipality's disease control area and an estimate of the distribution of these shade trees between public and private lands;

b. A complete description of the municipality's sanitation and reforestation programs which shall include:

(1) The method and schedule of diseased trees surveys;

(2) The extent of disease control tree trimming activities;

(3) The policies for removal of trees on public lands;

(4) The policies for removal of trees on private lands;

(5) The method and location of disposal tree wastes;

(6) The policies for planting new shade trees, including:

(a) The source of nursery stock, if known;

(b) Species planted;

(c) Type of stock planted;

(d) Distribution of species; and,

(e) Other revelant information;

(7) The methods of financing sanitation and reforestation programs, including:

(a) The use of funds derived from general tax levies;

(b) Special assessments;

(c) Federal funds;

(e) Other sources of funding; and,

(8) A complete description of the municipality's subsidy program, if any.

(9) The name or names of the person or persons or committee appointed by the municipality to advise the municipality in the administration of the reforestation program.

c. A statement of planned expenditures for the sanitation and reforestation program for the calendar year.

d. A copy of the local ordinances and resolutions authorizing the local shade tree program.

e. Other information deemed necessary and relevant by the commissioner.

~~3.--Grants for sanitation shall be forty-five (45) percent of the applicant's planned expenditures for sanitation, unless forty-five (45) percent of the total planned expenditures for all applicants exceeds the funds designated for sanitation grants, in which case, grants shall be a pro rata allocation among the eligible applicants.~~

~~3~~2. Except for the first fifty (50) trees for towns and cities as set forth in ~~4~~3. below, grants for sanitation and reforestation shall be fifty (50) percent of the applicant's planned expenditures for sanitation and reforestation, unless fifty (50) percent of the total planned expenditures for all applicants exceeds the funds designated for sanitation and reforestation grants; in which case, grants shall be a pro rata allocation among the eligible applicants. Such grants shall not exceed fifty (50) dollars per tree.

can leave to give city discretion

~~4~~3. Grants for ~~reforestation~~ planting the first fifty (50) trees on public lands in eligible towns and cities ~~shall~~ may be ninety (90) percent of the town's or city's planned expenditures for planting ~~the first fifty (50) trees on public lands~~ those trees, providing the availability of sufficient funding. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree.

§ 1.0113 Grants-in-aid for wood utilization and disposal systems

A. The commissioner shall within the monies appropriated, make grants-in-aid to eligible applicants for the cost of facilities, equipment, and systems for the disposal or utilization of diseased shade trees. Such grants-in-aid shall be made to:

1. Any home rule charter or statutory city. ~~of more than 40,000 population in the metropolitan area or a combination of such cities with a combined population of 40,000 under a joint powers agreement pursuant to Minn. Stat. § 471.59 (1976);~~

~~2. Any home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities with a combined population of 20,000 under a joint powers agreement pursuant to Minn. Stat. § 471.59 as amended;~~

~~3~~ 2. Any special purpose park and recreation board organized under a charter of a city of the first class;

~~4~~ 3. Any non-profit corporation serving a city of the first class; or,

~~5~~ 4. Any county.

B. Such grants shall be made with the following provisions:

1. The city (cities) or county has an approved shade tree disease control program as described in the act or these rules;

2. Grants-in-aid may be less than but shall not exceed fifty (50) percent of the cost of such facility, equipment, or system;

3. Grants-in-aid shall not be made for costs of operating such facility, equipment, or system;

4. Grants-in-aid for site acquisitions shall be made only for land used in the actual operational site;

5. Grants-in-aid shall not be made by the commissioner until he receives certified evidence of the actual cost of the equipment or site; and,

C. Criteria for administration of grants-in-aid:

1. Grants-in-aid to eligible applicants shall be made by the commissioner provided that such wood disposal utilization system meets the following critera:

a. It aids in the control of shade tree diseases;

b. It aids in the recovery of material or energy from wood.

c. It is located to accomplish the above with maximum efficiency

and use of available facilities;

d. It is available to all parties, public and private;

e. It is able to render wood pest-risk free within five (5) days of delivery to the site unless an extension of time has been granted by the commissioner based on existing circumstances of the disposal/utilization site;

f. It includes adequate manpower to operate and service equipment; and,

g. It provides for proper handling and the timely removal of processed wood from the site.

2. In addition to the general criteria under C. 1. above, the commissioner, as appropriate, may consider other specific criteria including the following in evaluating grant payment requests:

a. Sites for wood disposal systems:

(1) Shall be selected on the basis of anticipated volumes of wood and/or the need for a wood disposal system;

(2) Shall be accessible by roadways that permit year-round truck traffic;

(3) Shall have adequate storage areas for both processed wood and equipment;

(4) Shall have protective enclosures, adequate control, and super-

vision to prevent entry of unwanted materials and unauthorized persons;

(5) Shall be in compliance with all applicable Federal and State statutes, rules and regulations; and,

(6) Shall be in conformance with regional solid waste management plans and requirements.

b. Equipment for wood disposal systems:

(1) Shall, where feasible, be portable so that it can be used for servicing more than one site;

(2) Shall be stationary only when the anticipated volume over a five-year period will fully utilize the facility;

(3) Shall be capable of processing large-diameter logs; and,

(4) Shall include auxiliary units and equipment necessary to the operation of the system.

3. Requests for grant-in-aid payments shall be made on forms provided by the commissioner. Contingent upon the availability of funds, the timeliness of applications and other administrative considerations, the commissioner may set deadlines for consideration of requests which shall be published in the State Register at least thirty (30) days prior to the deadline. Requests for payments shall include the following:

a. An itemized list of the applicant's proposed expenditures for qualifying equipment and/or site, and the total amount of these expenditures;

and,

b. Additional documents or other information deemed relevant by the commissioner.

4. Records.

a. Applicants receiving grants-in-aid under this rule shall keep detailed records concerning the operation of the wood disposal and utilization system and shall make these records available to the commissioner at any reasonable time. Such records shall include:

(1) Hours of operation;

(2) Clientele served;

(3) Volume of wood handled; and,

(4) Other information deemed necessary and relevant by the commissioner.

b. A yearly report containing a summation of these records shall be made to the commissioner by December 1.

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MARK W. SEETIN
Commissioner of Agriculture

DATE: August 28, 1979

FROM : LEE E. SHEEHY
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Temporary Rules Governing Sanitation and Reforestation Grants, and Wood Utilization and Disposal System Grants

The above-captioned temporary rules have been approved by this office.

While the statute does not require it, this office recommends that an Order Adopting and a copy of the adopted rules be filed with the Secretary of State.

If you have any questions, do not hesitate to contact me.

LES:dj

cc: Peder Hong
Duane Harves
Marshall Whitlock
Melvin B. Goldberg

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ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

TO : Lee E. Sheehy, Esq.
Special Assistant Attorney General
Department of Administration
Administration Building, Room G-25

DATE: August 27, 1979

FROM : Gerald Heil, Director
Division of Planning GH

PHONE: 6-1486

SUBJECT: Review of Temporary Rules Governing the Shade Tree Program

The enclosed rules were published in the State Register on July 9th, 1979 (Volume 4, Number 1, pp. 6-9), requesting public comment. The 20-day period for receiving comments has elapsed; no comments were received. Subsequently, the Department does not propose any modifications in the temporary rules as published. I am submitting the rules for review by the Attorney General as required by M.S. 15.0413, Subd. 5.

GH:dw

Enclosure

cc:
File

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