

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 852

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-9-82
DATE FOR REVIEW
DATE DUE 9-16-82

Adopted w/a hearing
Adopted w/o hearing
Temporary rule ✓

Approved 9/15/82-LOS Disapproved Returned to Agency 9-17-82

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 9-16-82 Revisor approved 9/15/82 disapproved

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✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 8.26.82 ~~Date~~

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for ~~rulemaking~~ publication
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

N/A Notice of rulemaking
Sufficiency

[Affidavit of Mailing Notice or rulemaking
At least 30 days prior to hearing/adoption
Mailing list Certificate submitted but not required]

✓ Publication in State Register
7.5.82 At least ~~30~~/20 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

Agency's Findings of Fact

LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

Statement of Need and Reasonableness

Petition for Adoption of a Rule

Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA
Office Memorandum

TO JAMES J. SOLEM
Executive Director

DATE: 9/15/82

ATTN: JAMES DINERSTEIN, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules Limited Unit Mortgage Loans to Veterans

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

MINNESOTA
HOUSING
FINANCE
AGENCY

RECEIVED
SEP 09 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

September 9, 1982

Mr. Ted A. Martinez
Special Assistant Attorney General
G-25 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: In the Matter of the Proposed Adoption of Temporary Rules Governing Income Limits for Limited Unit Mortgage Loans to Veterans

Dear Mr. Martinez:

Enclosed please find for your review pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5, the adopted rules of the Minnesota Housing Finance Agency.

The following materials are submitted to you for your review pursuant to 1 MCAR, Section 1.204:

Temporary rule as adopted.

Order Adopting.

Order for publication.

Certificate of Agency's Authorizing.

Resolution.

Rule as Proposed.

Affidavit of Mailing.

Certificate of Compliance with Rulemaking Procedures.

The adopted rules are identical to the proposed rules. The Agency did not publish a Notice of Intent to Solicit Outside Opinion in connection with its rules. No comments were received during the 20 day period.

Sincerely,

Monte Aaker

Monte Aaker
Research Coordinator

MA/jc

Enclosures

Temporary Rule as Adopted

12 MCAR § 3.002 Definitions

O. "Persons and families of low and moderate income" means:

1. [Unchanged.]

2. [Temporary.] With respect to limited-unit mortgage loans to veterans and veterans' dependents to assist in making down payments pursuant to Minn. Stat. § 462A.05, subd. 19, those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR § 3.002 O.-2 regardless of the interest rate on the mortgage loan for which down payment assistance has been given;

EXHIBIT 12 MCAR 3.002 O.-2

	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
New Construction	$ 27,000	$ 32,000
Existing Construction	$ 23,000	$ 27,000

3.-5. [Unchanged.]

APPROVED AS TO LEGALITY

September 15, 1982

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 16 1982
Joan Anderson Growe
Secretary of State
9:45 AM

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of Temporary Rules Governing Limited Unit Mortgage Loans to Veterans

ORDER ADOPTING TEMPORARY RULES

The above entitled matter was published in the State Register on July 5, 1982, as a proposed temporary rule pursuant to Minnesota Statutes Section 15.0412, Subd. 5, after affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that above captioned rules are needed and reasonable.

NOW, THEREFORE IT IS ORDERED, that these rules identified as rules of the Minnesota Housing Finance Agency governing limited unit mortgage loans to veterans are adopted this 26th day of August 1982, pursuant to authority vested in the Agency by Minnesota Statutes, Section 462A.06, Subds. 4 and 11.

Minnesota Housing Finance Agency

James J. Solem
Executive Director

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of Temporary Rules Governing Limited Unit Mortgage Loans to Veterans

Order for Publication of Temporary Rules

It is ordered this 24th day of June 1982 that the proposed temporary rules in the above entitled matter be published in the State Register.

Minnesota Housing Finance Agency

James J. Solem
Executive Director

MINNESOTA HOUSING FINANCE AGENCY
333 Sibley Street
St. Paul, Minnesota 55101

RESOLUTION NO. MHFA 82-51

RESOLUTION AUTHORIZING THE PUBLICATION IN THE STATE REGISTER OF PROPOSED TEMPORARY RULES GOVERNING INCOME LIMITS FOR LIMITED UNIT DEVELOPMENTS.

BE IT RESOLVED BY THE MINNESOTA HOUSING FINANCE AGENCY:

That James J. Solem, Executive Director of the Agency of the Minnesota Housing Finance Agency, be and he hereby is granted the authority and directed to sign an Order of the Agency of the Minnesota Housing Finance Agency directing the publication in the State Register of proposed temporary rules governing Income Limits for Limited Unit Developments as well as perform any and all acts incidental thereto.

Adopted by the Minnesota Housing Finance Agency this 3rd day of June, 1982.

Chairman

Vice Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Adoption of Temporary Rules Amending Provisions Relating to Income Limits for Limited Unit Mortgage Loans to Veterans Without a Public Hearing

AFFIDAVIT OF MAILING

Monte R. Aaker, being first duly sworn, deposes and says:

That on the 24th day of June 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached corrected Notice of Intent to Adopt Temporary Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid on all persons and associations who have requested that their names be placed on file with the State Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency.

Monte R. Aaker

Monte R. Aaker

Subscribed and sworn to before me this 1st day of September, 1982.

Kathleen J. Johnson

KATHLEEN J. JOHNSON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Dec. 9, 1986

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

CERTIFICATE

In the Matter of the Adoption of Temporary
Rules Amending Provisions Relating to
Income Limits for Limited Unit Mortgage Loans
to Veterans Without a Public Hearing.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, Subd. 4, that their names be placed on file with and maintained by the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency is accurate and complete as of 4:30 p.m., this 24th day of June 1982.

Monte Aaker

Monte Aaker

If eggs are exposed or offered for sale in cartons, bags or other containers, ~~such~~ the cartons, bags or ~~other~~ containers ~~shall~~ must be plainly and conspicuously printed in letters not smaller than ~~1/4~~ one-quarter inch in height, or plainly and conspicuously stamped or marked in letters not smaller than ~~1/2~~ one-half inch in height with the exact grade and size. If eggs are offered or exposed for sale in bulk, there ~~shall~~ must be ~~placed~~ a placard among or adjacent to ~~such~~ the eggs~~, a placard, and such placard shall state~~ which states the grade and size of ~~such~~ the eggs and ~~shall be~~ is in letters not smaller than ~~1/2~~ one-half inch in height. Grade designations ~~shall~~ may not be abbreviated. All containers ~~shall~~ must also include the name and address of the producer ~~or~~, processor, or distributor. In the case of the processor or distributor, the words "packed for" or "distributed by" or some equivalent phrasing ~~shall~~ should be used.

~~Agr 399~~ 3 MCAR § 1.0401 Advertising.

~~(a)~~ Any advertisement of eggs at a given price ~~shall~~ must plainly and conspicuously indicate the grade and size. Grade designations ~~shall~~ may not be abbreviated.

~~(b)~~ All reference to grades of eggs in advertising or in any other manner, either for procurement or sale of eggs, ~~shall~~ must conform to the grade and size terminology for purchase and consumer grades promulgated by the commissioner ~~of agriculture~~.

~~Agr 400~~ 3 MCAR § 1.0402 Misleading statements. No ~~person shall~~ dealer may sell, ~~or~~ offer for sale, or advertise for sale, eggs for human consumption if the package containing them ~~or the~~, a label ~~thereon~~ on the package, or any advertising accompanying them ~~shall bear~~ bears any statement or device which ~~may be~~ is in any way false or misleading ~~in any particular~~.

~~Agr 401~~ 3 MCAR § 1.0403 Coding and open dating.

A. Coding. Consumer grades of eggs~~, except quality controlled Grade AA, shall~~ must be code dated in type not smaller than eight-point capitals to indicate the date of delivery, which ~~date shall~~ must not be more than three ~~(3)~~ days from the date of candling and grading. All cartons ~~shall~~ must bear a code date and cases of eggs for bulk sales shall be plainly coded. ~~Such code date shall guarantee to the retailer the grade indicated, for a period not to exceed seven days, when properly handled and refrigerated.~~ If retailers carton eggs which have been delivered in bulk cases, the code date on the carton ~~shall~~ must be the same as on the cases.

~~Cartons or containers for Grade AA quality controlled eggs shall bear in distinctly legible form a date stated as the "month" and "day" or the number of the "month" and "day" (e.g. 4-3) preceded by the letters "EXP" or an equivalent statement. The expiration date shall not exceed 15 days from the date the eggs are packed, excluding the day of pack. Cartons and containers shall be labeled as to grade and size in accordance with Minnesota Statutes 1974, Sections 29.021 and 29.27, and the applicable regulations adopted thereunder. The plant and/or flock certificate number shall be marked on each carton or container.~~

B. Open dating. All consumer grade eggs must carry an "open date" in addition to the code date. The code date is the day of delivery and must be a Julian date so it is not confused with the open date by consumers. The open date or freshness date must be spelled out as the month or number of the month and day, for example: 2-1 or Feb. 1. The open date must have an explanatory clause, such as "Sell by" or "Use by," the word "Expires" or the abbreviation "Exp."

~~Agr 403~~ 3 MCAR § 1.0404 Use of word "Fresh"." The use of the word "Fresh" ~~shall be~~ is limited to eggs of ~~Grade~~ Grades AA, A and B quality which are less than 31 days old. ~~However,~~ The term "Fresh" or ~~any term of~~ a similar ~~import, shall~~ term is not ~~be deemed to be~~ a substitute for grade designation.

~~Agr 405-417 Reserved for future use.~~

Repealer. Rules Agr 402 and 404 are repealed.

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for Limited Unit Developments

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Limited Unit Developments pursuant to Laws 1981, Chapter 306, § 3.

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.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

James J. Solem
Executive Director

Temporary Rule as Proposed

12 MCAR § 3.002 [Temporary] Definitions.

O. "Persons and families of low and moderate income" means:

1. [Unchanged.]

2. [Temporary.] With respect to limited-unit mortgage loans to veterans and veterans' dependents to assist in making down payments pursuant to Minn. Stat. § 462A.05, subd. 19, those persons and families whose adjusted income does not exceed ~~$22,000 for the nonmetropolitan area and $27,000 for the metropolitan area~~ the amounts set forth in Exhibit 12 MCAR § 3.002 O.-2 regardless of the interest rate on the mortgage loan for which down payment assistance has been given:

EXHIBIT 12 MCAR 3.002 O.-2

	Nonmetropolitan Area Maximum Adjusted Income	Metropolitan Area Maximum Adjusted Income
New Construction	$ 27,000	$ 32,000
Existing Construction	$ 23,000	$ 27,000

3.-5. [Unchanged.]

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota
County of Ramsey

Tax Court
Regular Division

Bemidji Community Hospital,

Appellant,

v.

The Commissioner of Revenue,

Appellee.

In the Matter of the Appeals from the Commissioner's Orders dated March 6, 1981, relating to the Sales and Use Tax Liability for the taxable periods ending between May 31, 1978, and December 31, 1979.

Docket No. 3284
Order dated June 16, 1982

The above entitled matter was heard by the Minnesota Tax Court, Judge Carl A. Jensen presiding, on March 2, 1982. Subsequently, briefs have been submitted by the parties, together with an Amicus Curiae Brief by the St. Therese Retirement Apartments represented by Patrick V. Johnson from the firm of Speeter, Johnson, Hautman and Olson.

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of
Temporary Rules Governing Income Limits
for Limited Unit Developments

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Arne Carlson, do hereby certify that I am Secretary of the Minnesota Housing Finance Agency, an agency 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 Agency, duly and properly called and held on the 26th day of August 1982, 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 the rules relating to adoption of temporary rules governing income limits for limited units developments attached hereto as Exhibit A be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes Section 462A.06, Subsidivions 4 and 11 and that James J. Solem, the Executive Director of the Agency, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of August, 1982.

Chairman

Secretary

In the Matter of the Proposed Adoption
of Temporary Rules Governing Limited
Unit Mortgage Loans to Veterans

Statement of Compliance
with Rule Making Procedures

I, James Dinerstein, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Dated: September 4 1982

James Dinerstein
Special Assistant Attorney General