

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 915 TEMPORARY

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-3
DATE FOR REVIEW
DATE DUE 11-10

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

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 10.21.83 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking mailed 10/5/83 OK per discussion w/ MC + LDS
2. At least ~~30~~ 20 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate as of 10.5.83

✓ Publication in State Register
9.12.83 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

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules 10/20/83

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) afterend of 20 day period

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General
mailed 10/28/83

✓ Notice of Submission to the Attorney General

✓ "comment to A.G". copy of letter sent to agency 10/24, rec'd by AG 11/3

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : CLYDE R. INGLE, Executive Director DATE: 11/9/83

Attn: LAURA MATTSON, Special Assistant Attorney General

FROM : TED A. MARTINEZ PHONE: 296-4692
Special Assistant Attorney General TAM

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarship and Grant-in-Aid and Part-Time Student Grants (5MCAR §2.2101-2.2106).

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.

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Minnesota Higher Education Coordinating Board

Adopted Temporary Rule Governing State Scholarship and Grant-in-Aid, and Part-Time Student Grants

Temporary Rules as Adopted

5 MCAR S 2.2101 Scope.

Rules 5 MCAR SS 2.2101-2.2106 govern state scholarships and grants-in-aid.

5 MCAR S 2.2102 Eligible schools.

Annually the board shall adopt by resolution a list of schools at which a state scholarship or grant-in-aid may be used. To be eligible a school must meet the following requirements:

1.-3. [Unchanged]

5 MCAR S 2.2103 Application dates and student eligibility.

A.-B. [Unchanged]

C. Eligibility for initial grant-in-aid. To be eligible for an initial grant-in-aid a student must be an eligible student, as defined in 5 MCAR S 2.0100 D., and all of the following:

1.-3. [Unchanged]

4. if applying for a nursing grant, is enrolled or will be enrolled in a program leading to licensure as a registered nurse or a licensed practical nurse;

5. If under 17 years old, a recipient must have a high school diploma or the equivalent.

D. [Unchanged]

5 MCAR S 2.2104 Ranking applicants.

A. [Unchanged]

B. Priority of classes of applicants. Applicants renewing scholarships shall be given first priority. Applicants renewing grants-in-aid shall be given second priority. Applicants for initial scholarships shall be given third priority. Applicants for initial grants-in-aid shall be given fourth priority.

Awards shall be made on a funds available basis. Once an award is made it shall not be withdrawn in order to award an applicant of higher priority.

C. [Unchanged]

5 MCAR S 2.2105 Awards.

A. Monetary awards. The amount of a scholarship or grant-in-aid financial stipend shall not exceed an applicant's cost of attendance, as defined in Minnesota Statutes, section 136.121, subdivision 6, after deducting the following:

1. a contribution by the applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

2. a contribution by the applicant's parents, as determined by a standardized need analysis; and

3. an estimate of the amount of a federal Pell grant award for which the applicant is eligible.

The minimum financial stipend shall be $100.

B.-C. [Unchanged]

5 MCAR S 2.2106 Method of payment.

A.-C. [Unchanged]

5 MCAR S 2.2204 Eligible students.

A. Determination of eligibility. A school shall determine if a student is eligible for a part-time student grant. To be eligible a student must be an eligible student as defined in 5 MCAR S 2.0100 D.2., 3., 5., and 6., except that the student need not be a full-time student. The student must be:

1. pursuing a program or course of study leading to a degree, diploma, or certificate; and

2. ineligible for state or federal financial aid, other than a Pell grant; and

3. unreimbursed for tuition and fees by any source other than a Pell grant; and

4. in financial need.

B.-C. [Unchanged]

APPROVED AS TO LEGALITY

November 9 1983

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Ted A. Mortensen
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 10 1983
Joan Anderson Growe
Secretary of State

3:30 PM

State of Minnesota
Higher Education Coordinating Board

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarship and Grant-in-Aid and Part-Time Student Grants (5MCAR §2.2101-2.2106)

ORDER ADOPTING TEMPORARY RULES

The above-entitled matter was published in the State Register on September 12, 1983, as a proposed temporary rule pursuant to Minnesota Statutes section 14.14, subdivision 1. 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 the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as State Scholarship and Grant-in-Aid and Part-Time Student Grants are adopted this 21st day of October, 1983, pursuant to authority vested in the Board by Minnesota Statutes section 136A.111.

State of Minnesota

CLYDE R. INGLE
Executive Director
Minnesota Higher Education
Coordinating Board

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Temporary Rules of the State Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid

ORDER FOR PUBLICATION OF TEMPORARY RULES

IT IS ORDERED this 18th day of August, 1983, that the proposed temporary rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

Clyde R. Ingle

CLYDE R. INGLE
Executive Director
Higher Education Coordinating Board

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Archie Chelseth, do hereby certify that I am a member and the President of the Higher Education Coordinating Board 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 Higher Education Coordinating Board, duly and properly called and held on the 18th day of August, 1983, 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 Clyde R. Ingle, Executive Director of the Higher Education Coordinating Board, be and he hereby is granted the authority and directed to sign an Order of the Board of the Higher Education Coordinating Board directing the publication in the State Register of proposed temporary rules governing the Scholarship and Grant-in-Aid Program as well as perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of August, 1983.

Archie L. Chelseth
President of the Board

Gretchen R. Taylor
Attest by one other Board member

In the Matter of the Proposed
Adoption of Temporary Rules of
the State Higher Education
Coordinating Board Governing
State Scholarship and Grant-in-Aid,
and Part-Time Grants.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Rosemary Herrera Hamerlinck, being first duly sworn, deposes and says:

That on the 5th day of October, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Temporary Rules by depositing in the State of Minnesota Central Mail System for first class mailing 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 Higher Education Coordinating Board for the purpose of receiving notice of the proposed adoption of rules by this agency.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me
this 5 day of October, 1983.

Judith A. Morgan
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires Sept. 16, 1989

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed
Adoption of Temporary Rules of
the State Higher Education
Coordinating Board Governing State
Scholarship and Grant-in-Aid,
and Part-Time Grants.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §14.14, subd. 1, that their names be placed on file with and maintained by the State Higher Education Coordinating Board for the purpose of receiving notice of the proposed adoption of rules by this Higher Education Coordinating Board is accurate and complete as of 4:00 p.m., this 5th day of October, 1983.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me
this 5th day of October, 1983.

Judith A. Morgan
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires Sept. 16, 1989

F. Interest on overdue reports. If any quarterly report is not received by the state agency within the respective established deadlines, interest will be charged to the reporting unit at the rate ~~of six percent a year~~ established in 2 MCAR § 2.406 B.5. on reportable contributions for each month or part of a month from the date due, but the interest charge or penalty shall not be less than $5.

Repealer. Rules 2 MCAR §§ 2.225 and 2.2301 are repealed.

Minnesota Higher Education Coordinating Board

Proposed Temporary Rule Governing State Scholarship and Grant-in-Aid, and Part-Time Student Grants

Request for Public Comment

Notice is hereby given that the Minnesota Higher Education Coordinating Board has proposed the following temporary rule for the Scholarship and Grant-in-Aid and Part-Time Student Grant Programs pursuant to Minnesota Laws 1983, chapter 258, § 67. All interested persons are hereby afforded the opportunity to submit written comments on the proposed temporary rule for 20 days immediately following publication of this material in the *State Register* by writing to:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

comments taken through Oct. 3

Authority for the adoption of this rule is contained in Laws 1983, chapter 258, § 67, and Minnesota Statutes §§ 136A.121 and 136A.132. The proposed temporary rule may be revised on the basis of the comments received. Any written material received will become part of the record in the final adoption of the temporary rule. This temporary rule will be effective for not more than 180 days upon approval by the Attorney General.

A copy of the proposed temporary rule is attached to this notice.

Clyde R. Ingle
Executive Director

Temporary Rules as Proposed

5 MCAR § 2.2101 Scope.

Rules 5 MCAR §§ 2.2101-2.2106 govern state scholarships and grants-in-aid.

5 MCAR § 2.2102 Eligible schools.

Annually ~~by July 31,~~ the board shall adopt by resolution a list of schools at which a state scholarship or grant-in-aid may be used. To be eligible a school must meet the following requirements:

1.-3. [Unchanged]

5 MCAR § 2.2103 Application dates and student eligibility.

A.-B. [Unchanged]

C. Eligibility for initial grant-in-aid. To be eligible for an initial grant-in-aid a student must be an eligible student, as defined in 5 MCAR § 2.0100 D., and all of the following:

1.-3. [Unchanged]

4. if applying for a nursing grant, is enrolled or will be enrolled in a program leading to licensure as a registered nurse or a licensed practical nurse;

5. If under 17 years old, a recipient must have a high school diploma or the equivalent.

D. [Unchanged]

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.

5 MCAR § 2.2104 Ranking applicants.

A. [Unchanged]

B. Priority of classes of applicants. Applicants renewing scholarships shall be given first priority. Applicants renewing grants-in-aid shall be given second priority. Applicants for initial scholarships shall be given third priority. Applicants for initial grants-in-aid shall be given fourth priority. Awards shall be made on a funds available basis. Once an award is made it shall not be withdrawn in order to award an applicant of higher priority.

C. [Unchanged]

5 MCAR § 2.2105 Awards.

A. Monetary awards. ~~Scholarship and grant-in-aid awards range from a minimum of $100 to a maximum of $1,400 but may not exceed one half of financial need. If a federal Pell grant and a state scholarship or grant-in-aid exceeds 75 percent of financial need, the state scholarship or grant-in-aid must be reduced so that the combination of the two awards does not exceed 75 percent of financial need. The state scholarship or grant-in-aid must be further reduced if additional gift assistance, in combination with a federal Pell grant and a state scholarship or grant-in-aid, exceeds 100 percent of financial need.~~ The amount of a scholarship or grant-in-aid financial stipend shall not exceed an applicant's cost of attendance, as defined in Minnesota Statutes, section 136.121, subdivision 6, after deducting the following:

1. a contribution by the applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

2. a contribution by the applicant's parents, as determined by a standardized need analysis; and

3. an estimate of the amount of a federal Pell grant award for which the applicant is eligible.

The minimum financial stipend shall be $100.

B.-C. [Unchanged]

5 MCAR § 2.2106 Method of payment.

A.-C. [Unchanged]

5 MCAR § 2.2204 Eligible students.

A. Determination of eligibility. A school shall determine if a student is eligible for a part-time student grant. To be eligible a student must be an eligible student as defined in 5 MCAR § 2.0100 D. 2., 3., 5., and 6., except that the student need not be a full-time student~~, and all of the following~~. The student must be

1. ~~is~~ pursuing a program or course of study leading to a degree, diploma, or certificate; and
2. ~~is not eligible~~ ineligible for state or federal financial aid, other than a Pell grant; and
3. ~~is not reimbursed~~ unreimbursed for tuition and fees by any source other than a Pell grant; and
4. ~~demonstrates~~ in financial need.

B.-C. [Unchanged]

Minnesota Housing Finance Agency

Proposed Rules Relating to the Innovative Housing Loan Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules within the 30-day comment period. The rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 14.13 *et. seq.* If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Temporary Rules of the Minnesota Higher Education Coordinating Board Governing State Scholarship and Grant-in-Aid and Part-Time Student Grants (5MCAR §2.2101-2.2106)

FINDINGS OF FACTS AND CONCLUSIONS

FINDINGS OF FACT

1. At its meeting on October 20, 1983, the Minnesota Higher Education Coordinating Board (hereinafter the "Board") proposed that the above entitled rules be adopted after compliance with the procedure which authorizes an agency to propose and adopt temporary rules.

2. Pursuant thereto, the Request for Comment was published in the State Register on September 12, 1983, together with a copy of the proposed temporary rules (8 S.R. 431).

3. The Board's authority to promulgate the proposed temporary rules is contained in Minnesota Statutes 136A.111, subdivision 2.

4. Copies of the Request for Comment and of the proposed temporary rules were mailed to names appearing on the Board's mailing list which includes all presidents and executive directors of private and public post-secondary institutions.

5. No oral or written comments were received concerning 5MCAR §2.2101-2.2106, within the comment period.

6. No changes were made between the Temporary Rule as Proposed and the Rule as Adopted.

CONCLUSIONS

1. The Board gave due, timely and adequate legal notice of its intent to adopt temporary rules.

2. No one submitted oral or written comment concerning 5MCAR §2.2101-2.2106.

3. No changes were made between the Temporary Rule as Proposed and the Rule as Adopted.

4. The Board has the statutory authority to promulgate the proposed temporary rule.

5. The Board has fulfilled all relevant, substantive and procedural requirements of law or rule.

Dated this 24th day of October, 1983.

Sophie S. Chelseth
President
Minnesota Higher Education
Coordinating Board

Attest by one other Board member

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Temporary Rules of the Minnesota Higher Education Coordinating Board Governing State Scholarship and Grant-in-Aid and Part-Time Student Grants (5MCAR §2.2101-2.2106)

SUPPLEMENT TO:

FINDINGS OF FACTS AND CONCLUSIONS

One written comment was received regarding 5MCAR §2.2204 on October 26, 1983.

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Archie D. Chelseth do hereby certify that I am a member and the president of the Board of the Higher Education Coordinating Board, 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 the Higher Education Coordinating Board, duly and properly called and held on the 24th day of October, 1983, 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 temporary rules relating to State Scholarship and Grant-in-Aid and Part-Time Student Grants be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 136A.111, and that Clyde R. Ingle, executive director of the Board of the Higher Education Coordinating Board, be and hereby is authorized to sign an order adopting these temporary 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 24th day of October, 1983.

Archie D. Chelseth
President of the Board

Attest by one other Board member

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarship and Grant-in-Aid and Part-Time Student Grants (5MCAR §2.2101-2.2106)

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, (Special Assistant Attorney General) Laura E. Mattson, 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 Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

10/28/83
Date

LAURA MATTSON
Special Assistant Attorney General

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Rosemary Herrera Hamerlinck being first duly sworn, deposes and says:

That on the 28 day of October, 1983, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me this 28 day of October, 1983.

Judith A. Morgan
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires Sept. 16, 1989

STATE OF MINNESOTA

DEPARTMENT OF HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, Oct 28, 1983, for review as to form and legality. Pursuant to 1 MCAR §1.206B, the Attorney General will not approve the rules for at least 5 working days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone 612/296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Rose Herrera Hamerlinck, Minnesota Higher Education Coordinating Board, 400 Capitol Square Building, 550 Cedar Street, Saint Paul, Minnesota 55101, telephone 612/296-7963.

CLYDE R. INGLE
Executive Director
Minnesota Higher Education
Coordinating Board