

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1030A

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-29-84
DATE FOR REVIEW 6-5-84
DATE DUE 6-12-84

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

Approved 6-5-84 mjC Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 6-6-84 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 5.7.84 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 contains small biz statement

✓ Affidavit of Mailing Notice or rulemaking
3.14.84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3.19.84 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 4.18.84 (after biz hours)

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A 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 MARK B. DAYTON
Commissioner/Minnesota Energy & Econ. Dev.
Attn: CHRISTIE ELLER
Special Assist./Attorney General

DATE: 6/5/84

FROM MARTHA J. CASSERLY
Special Assistant
Attorney General
MJC

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Debelopment Corporation Projects.

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.

cc: Ms. Kathy Burek
Mr. Duane Harves

MJC: sa

MINNESOTA DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

FINANCIAL MANAGEMENT

980 AMERICAN CENTER BUILDING
150 EAST KELLOGG BOULEVARD
ST. PAUL, MINNESOTA 55101
612/296-6616

Ms. Judith Wehrwein
Office of the Attorney General
Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

RE: 1) Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and and 8300.0700.
2) Proposed Rules governing Pilot Community Development Corporation Projects.

Dear Ms. Wehrwein:

Enclosed please find a complete set of documents for each of the above captioned rules of the Minnesota Energy and Economic Development Authority:

1) Rules as adopted
2) Order adopting rules
3) Certificate of Board's resolution adopting the rules
4) Order for Notice of Intent to Adopt Rules without a Public Hearing
5) Notice of Intent to Adopt Rules without a Public Hearing (Rule attached)
6) Certificate of Board's authorizing resolution
7) Mailing list certificate
8) Affidavit of mailing
9) Statement of Need and Reasonableness including compliance with laws of Minn. 1983, ch. 188.
10) Certificate of compliance with rulemaking procedures.

We have not had any requests for a hearing made during the thirty day period and did not receive any comments on either set of rules. The agency made no changes to the proposed rules. Neither of these rules is adopted in response to a petition and no requests have been made to be notified of submission of the rules to the Attorney General.

Your earliest response to these documents is appreciated. Should you have any questions, please call Christie Eller at 296-9200.

Sincerely,

Edward J. Meyer, Jr.
Deputy Commissioner
Minnesota Energy and Economic
Development

EJM:dc

Attachments

AG COPY

Energy and Economic Development Authority

Adopted Rules Governing Pilot Community Development Corporation Projects

Rules as Adopted

4350.0200 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Energy and Economic Development, or his designated representative.

Subp. 2a. **Authority.** "Authority" means the Minnesota Energy and Economic Development Authority.

Subparts 3 to 6. [Unchanged.]

4350.0400 AVAILABILITY OF PROGRAM FUNDS.

Program funds shall be available only to eligible community development corporations designated as such by the authority.

4350.0600 PROJECT GRANTS.

Subpart 1. **Program funds.** Program funds shall be made available to eligible community development corporations in the form of project grants, on approval by the authority of an application therefor. All applications shall be in a form prescribed by the commissioner. Project grants shall be made only with respect to projects that will be carried on within the designated community of the applicant community development corporation, except where the applicant demonstrates that a project carried on outside the designated community will have a significant impact within the designated community.

Subparts 2 to 6. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 6 1984
Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 6 1984
Joan Anderson Growe
Secretary of State

8.50

APPROVED AS TO FORM AND LEGALITY
June 5 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

In the Matter of the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Development Corporation Projects.

Order Adopting Rules

Notice of Intent to adopt the above-entitled rules without a public hearing was published in the State Register on March 19, 1984 and was sent by United States Mail to all persons on the list maintained by an agency pursuant to M.S. 1414, subd. 1 on March 14, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, receiving and considering the comments, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, it is ordered that these rules identified as the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Development Corporation Projects are adopted this 7th day of May, 1984, pursuant to authority vested in me by M.S. 116J.65 subd. 5 and Minn. Laws of 1983, ch. 289, sect. 1, subd. 3.

State of Minnesota

Mark B. Dayton
Commissioner
Minnesota Energy and Economic Development

In the Matter of the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Development Corporation Projects.

Statement of Compliance with Rulemaking Procedures

I, Christie Eller, 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. Any exceptions are noted below.

Christie Eller 5-16-84

Christie Eller
Special Assistant Attorney General

STATE OF MINNESOTA

Minnesota Energy and Economic Development Authority

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Energy and Economic Development Authority Governing Pilot Community Development Corporation Projects

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 13th day of February, 1984 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Energy and Economic Development for that purpose and be published in the State Register.

STATE OF MINNESOTA

Mark B. Dayton,
Chairman, Minnesota Energy and Economic Development

State of Minnesota

Minnesota Energy and Economic
Development Authority

In the Matter of the Proposed
Adoption of Amendments to the
Community Development Corporation
Program (ED101-106 renumbered
4350.0200, 4350.0400, 4350.0600.

Statement of Need and Reasonableness

The Minnesota Energy and Economic Development Authority ("Authority") presents herein fact and justifications establishing the need for and reasonableness of its proposed amendments relating to the Community Development Corporation Program.

I. Authority for Adoption of Amendments. Authority for adoption of these rules is contained in Minnesota Statutes 116J.65, subd. 5 and Laws of Minn., 1983, ch. 289, sect. 1, subd. 3.

II. Reasonableness and Need Background. Under the original rule (Minn. Rule ED103 & ED105) all eligible CDC designations and project grants required the concurrence of the State Executive Council. Minn. Stat. 116J.65 (82) as amended by Laws of Minn., 1983, ch. 289, sections 58, 59, 60 and 115 subd. 1 (d) provides that the Minnesota Energy and Economic Development Authority (MEEDA) shall (1) administer the CDC program, (2) designate CDC's that are eligible to receive grants and (3) approve grants to CDC's. The 1983 amendments transfer authority from the Commissioner of Energy, Planning and Development to MEEDA. They also provide that the Authority shall be the assignee of all rights of a CDC in State funded loans if the CDC ceases to exist. The legislation transferring authority explicitly provides that all rules adopted pursuant to responsibilities which are transferred to another agency remain in effect and shall be enforced until amended or repealed in accordance with law by the new agency. Laws of Minn., 1983, ch. 289, sect. 1, subd. 3.

III. Reasonableness and Need. The authorizing statute does not require (nor did it ever require) concurrence by the State Executive Council in CDC grants. ED103 provides that program funds be available only to CDC's which have been desig-

nated as eligible by the Commissioner with the concurrence of the State Executive Council. ED105 provides that project grants to CDC's may be made only upon approval of the Commissioner with the concurrence of the State Executive Council. Pursuant to the transfer of powers provision of Laws of Minn., 1983, ch. 289, sect. 1, subd. 2, the Authority is required to carry out the responsibilities of the Commissioner set forth in the statute and rules. A similar provision had operated previously to transfer authority from the Commissioner of Energy, Planning and Development.

Since nothing in Laws of Minn., 1983, ch. 289 appears to amend the need for concurrence of the State Executive Council as to CDC designation and approval of CDC program grants; since the absence of constitutional offices and the difficulty of scheduling meetings when all constitutional officers can be present causes unnecessary and inappropriate delays in the designation of CDC's and approval of program grants; and since the Authority now can serve the "oversee" functions originally done by the State Executive Council, these amendments are reasonable and necessary.

IV. Impact on Small Business. Laws of Minn., 1983, ch. 188. Since Community Development Corporations as a generic group are small businesses and since the intent of these amendments is to make application easier and quicker, there are no adverse affects on small business.

The Community Development Corporations Program is a benefit program, rather than a regulatory program, and as such the program has eligibility requirements rather than compliance requirements. Additionally, the proposed rules do not contain any design or operational standards; therefore the Authority did not consider the substitution of performance standards in lieu thereof.

The rule's standards and requirements are necessary and minimal in light of the statutory directive. Exemptions of small business from rule requirement are neither appropriate nor authorized.

In the Matter of the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Development Corporation Projects.

Certificate of Board's Authorizing Resolution

I, MARK B. DAYTON, do hereby certify that I am a member and the Chairman of the Board of the Minnesota Energy and Economic Development Authority, 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 Minnesota Energy and Economic Development Authority, duly and properly called and held on the 29th day of December, 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 Mark B. Dayton, Chairman of the Energy and Economic Development Authority, be and he hereby is granted the authority and directed to sign an Order of the Authority directing that Notice be given of the Authority's intent to adopt without a public hearing rules governing community development corporations, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Authority's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of May, 1984.

By: _____
Member

Attest: _____
Member

MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

Proposed Rules Governing Pilot Community Development Corporation Projects

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority proposes to adopt the above-entitled rules without a public hearing. The Minnesota Energy and Economic Development Authority has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified 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 rules 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 Minnesota Statutes sections 14.13 to 14.20 (1982). 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.

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

Minnesota Energy and Economic Development Authority
Attention: Edward J. Meyer, Jr.
480 Cedar Street - 1st Floor Hanover Building
St. Paul, Minnesota 55101
612 /297-3547

Authority for adoption of these rules is contained in Minnesota Statutes 116J.65, subd. 5 and Minn. Laws of 1983, ch. 289, section 1 subd. 3. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Minnesota Energy and Economic Development Authority, attention: Edward J. Meyer, Jr., 480 Cedar Street, 1st Floor Hanover Building, St. Paul, Minnesota 55101.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rules should submit a written statement of such request to Mr. Meyer.

You are hereby advised, pursuant to Minn. Laws of 1983, ch. 188, Small Business Considerations in Rulemaking, that the proposed rule amendments will have a beneficial impact on some small businesses in Minnesota.

Since Community Development Corporations as a generic group are small businesses and since the intent of these amendments is to make application easier and quicker, this will benefit small businesses seeking CDC designation and program funds.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting the Minnesota Energy and Economic Development Authority.

Rule as Proposed.

Mark B. Dayton
Chairman, Minnesota Energy and
Economic Development Authority

In the Matter of the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Development Corporation Projects.

Affidavit of Mailing

State of Minnesota)
) SS
County of Ramsey)

Darlene Christenson, being first duly sworn, deposes and says:

That on the 14th day of March 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules without a Public Hearing by depositing in the State of Minnesota Central mail system at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all associations and persons who have requested that their names be placed on file with the Minnesota Department of Energy and Economic Development for the purpose of receiving notice of the proposed adoption of rules by this Notice of Intent to Adopt Rules without Public Hearing.

Darlene Christenson
Darlene Christenson

Subscribed and sworn
to before me this 16th
day of March 1984.

Madeline Harris
Notary Public

MADELINE HARRIS
NOTARY PUBLIC - MINNESOTA
CHISAGO COUNTY
My Commission Expires Sep. 17, 1985

Certificate

In the Matter of the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Development Corporation Projects.

Certificate of Mailing List

State of Minnesota
County of Ramsey

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to M.S. 14.14, subd. 1, that their names be placed on file with and maintained by the State Department of Energy and Economic Development for receiving notice of the proposed adoption of rules by the Minnesota Energy and Economic Development Authority is complete and accurate as of 4:30 p.m., this 14th day of March, 1984.

Madeline Harris

Madeline Harris

PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Energy and Economic Development Authority

Proposed Rules Governing Pilot Community Development Corporation Projects

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority proposes to adopt the above-entitled rules without a public hearing. The Minnesota Energy and Economic Development Authority has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified 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 rules 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 Minnesota Statutes sections 14.13 to 14.20 (1982). 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.

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

Minnesota Energy and Economic Development Authority
Attention: Edward J. Meyer, Jr.
980 American Center Building
St. Paul, Minnesota 55101
612/297-3547

Authority for adoption of these rules is contained in Minnesota STATUTES 116J.65, subd. 5 and *Minn. Laws* of 1983, ch. 289, section 1 subd. 3. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Minnesota Energy and Economic Development Authority, attention: Edward J. Meyer, Jr., 480 Cedar Street, 1st Floor Hanover Building, St. Paul, Minnesota 55101.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of

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.

this material to the Attorney General or who wish to receive a copy of the final rules should submit a written statement of such request to Mr. Meyer.

You are hereby advised, pursuant to *Minn. Laws* of 1983, ch. 188, Small Business Considerations in Rulemaking, that the proposed rule amendments will have a beneficial impact on some small businesses in Minnesota.

Since Community Development Corporations as a generic group are small businesses and since the intent of these amendments is to make application easier and quicker, this will benefit small businesses seeking CDC designation and program funds.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting the Minnesota Energy and Economic Development Authority.

Mark B. Dayton
Chairman, Minnesota Energy and
Economic Development Authority

Rules as Proposed.

4350.0200 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. Assistant Commissioner. "~~Assistant~~ Commissioner" means the ~~assistant~~ commissioner of the ~~Business Community Development Division of the~~ Minnesota Department of Energy~~,~~ ~~Planning~~ and Economic Development, or his designated representative.

Subp. 2a. Authority. "Authority" means the Minnesota Energy and Economic Development Authority.

Subparts 3 to 6. [Unchanged.]

4350.0400 AVAILABILITY OF PROGRAM FUNDS.

Program funds shall be available only to eligible community development corporations designated as such by the ~~assistant commissioner, with the approval of the State Executive Council~~ authority.

4350.0600 PROJECT GRANTS.

Subpart 1. Program funds. Program funds shall be made available to eligible community development corporations in the form of project grants, on approval by the ~~commissioner~~ authority of an application therefor~~, with the concurrence of the State Executive Council~~. All applications shall be in a form prescribed by the ~~assistant~~ commissioner. Project grants shall be made only with respect to projects that will be carried on within the designated community of the applicant community development corporation, except where the applicant demonstrates that a project carried on outside the designated community will have a significant impact within the designated community.

Subparts 2 to 6. [Unchanged.]

Department of Energy and Economic Development

Proposed Rules Governing Tax Credit Certification for "Qualified Small Businesses" and "Small Business Assistance Offices" under *Laws of Minnesota 1983*, Chapter 342

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Energy and Economic Development proposes to adopt the above-entitled rules without a public hearing. The Minnesota Department of Energy and Economic Development has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified 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 rules 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

Rules as Proposed.

4350.0200 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Assistant Commissioner.** "Assistant Commissioner" means the assistant commissioner of the ~~Business-Community Development-Division-of-the~~ Minnesota Department of Energy, ~~Planning~~ and Economic Development, or his designated representative.

Subp. 2a. **Authority.** "Authority" means the Minnesota Energy and Economic Development Authority.

Subparts 3 to 6. [Unchanged.]

4350.0400 AVAILABILITY OF PROGRAM FUNDS.

Program funds shall be available only to eligible community development corporations designated as such by the assistant ~~commissioner, with the approval of the State Executive Council~~ authority.

4350.0600 PROJECT GRANTS.

Subpart 1. **Program funds.** Program funds shall be made available to eligible community development corporations in the form of project grants, on approval by the ~~commissioner~~ authority of an application therefor, ~~with the concurrence of the State Executive Council~~. All applications shall be in a form prescribed by the assistant commissioner. Project grants shall be made only with respect to projects that will be carried on within the designated community of the applicant community development corporation, except where the applicant demonstrates that a project carried on outside the designated community will have a significant impact within the designated community.

Subparts 2 to 6. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: MVH

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD461

Agency: Department of Energy and Economic Development

Division:

Agency Contact: Madelaine Harris 296-5023

Rule Numbers: Parts 4350.0200, 4350.0400, 4350.0600

Title: Proposed Rules Governing Pilot Community Development Corporation Projects

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948
Date: February 28, 1984

MEEDA RESOLUTION NO. 84-122
MINNESOTA ENERGY AND ECONOMIC
DEVELOPMENT AUTHORITY
STATE OF MINNESOTA
ST. PAUL, MINNESOTA

In the Matter of the Proposed Rules of the Minnesota Energy and Economic Development Authority Relating to Pilot Community Development Corporation Projects.

Certificate of Board's Resolution Adopting Rules.

I, Mark B. Dayton, do hereby certify that I am a member and the Chairman of the Board of the Minnesota Energy and Economic Development Authority, 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 after the close of regular business hours at a meeting of the Board of the Minnesota Energy and Economic Development Authority, duly and properly called and held on the 18th day of April, 1984, 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 Pilot Community Development Corporation Projects be and they hereby are approved and adopted, after the close of regular business hours, this 18th day of April, 1984, pursuant to authority vested in us by M.S. 116J.65 subd. 5 and Minn. Laws 1983, ch. 289, sect. 1, subd. 3 and that Mark B. Dayton, the Chairman of the Board of the Energy and Economic Development Authority, 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 16th day of May, 1984.

BY: Mark B. Dayton
Chair

ATTEST: Gayle Hanson
Member