

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 1030B

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 6-12-84 Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State 6-13-84 Revisor approved 5/29/84 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

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MARK B. DAYTON
Commissioner/MN Energy & Econ. Dev.

DATE: 6/12/84

Attn: CHRISTIE ELLER
Special Assist./Attorney General

FROM : LARRY D. STARNS
Special Assistant LDS
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700.

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

LDS: sa

AG copy

Energy and Economic Development Authority

Adopted Rules Governing the Minnesota Energy and Economic Development Authority

Rules as Adopted

8300.0100 DEFINITIONS.

Subpart 1. **Statutory definitions.** The terms defined in Minnesota Statutes, section 116J.88 have the same meanings when used in chapter 8300 as ascribed to them in the act.

Subp. 2. **Act.** "Act" means Laws of Minnesota 1980, chapter 547, as now in effect and as amended from time to time.

Subp. 2a. **Applicant.** "Applicant" means a person, partnership, firm, corporation, or association that applies to the authority for financial assistance.

Subp. 2b. **Authority.** "Authority" means the energy and economic development authority, formerly known as the small business finance agency.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of energy and economic development or his or her designee.

Subp. 4. **Financial assistance.** "Financial assistance" means loans, loan guarantees or insurance, and any other use of funds permitted by the act.

Subp. 5. **Members.** "Members" means the commissioner and those persons appointed to the authority under Minnesota Statutes, section 116J.89.

8300.0300 REGULAR MEETINGS.

Regular meetings of the authority shall be held on the fourth Wednesday of each month at 3:00 p.m. at the offices of the authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. If this date falls on a legal holiday, the regular meeting shall be held on the next succeeding business day.

8300.0400 SPECIAL MEETINGS.

Special meetings of the authority may be called upon reasonable notice to all members by the chairperson or by a majority of the existing members of the authority, for the purpose of transacting any business designated in the notice, and shall be held at the business offices of the authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. At a special meeting, no business may be considered other than as designated in the notice unless all of the members of the authority are present at the special meeting.

8300.0500 PUBLIC APPEARANCES AT MEETINGS OF MEMBERS.

The following procedures shall govern public appearances at meetings of the members:

A. With respect to regular meetings, the commissioner shall complete the agenda for meetings of the members not less than five nor more than seven days prior to the date of the meeting.

B. With respect to regular meetings, any person who desires to appear and address the members shall make a written request to the commissioner, at least ten days prior to the date of the meeting, setting forth the nature of the matter about which the person wishes to appear.

C. With respect to regular or special meetings, any person who desires to appear and address the members with respect to any matter enumerated on the agenda shall make a written request to the commissioner, at least 24 hours before the meeting.

D. Any member may at any time request that a person be permitted to appear and address the members at any regular or special meeting. All requests must be placed on the agenda for review by the members at the meeting. A majority vote of the members present is required to grant a request to address the members.

8300.0600 MISREPRESENTATION OF APPLICATION INFORMATION.

Subpart 1. **Affirmative duty.** An applicant or financial

institution has an affirmative duty and obligation to update and correct all information provided to the authority.

Subp. 2. **Authority's action.** If information provided to the authority by either the applicant or the financial institution contains a material misrepresentation or omission, the authority may:

1. reject an application whether or not previously approved;

2. refuse to provide financial assistance;

3. make financial assistance provided by it immediately due and payable; or

4. revoke any preliminary or final resolution prior to the provision of financial assistance or prior to the sale of the bonds approved by it.

POLLUTION CONTROL FINANCIAL ASSISTANCE

8300.1000 UNIFORM POLLUTION CONTROL FINANCIAL ASSISTANCE APPLICATION FORMS.

The commissioner shall prepare uniform financial assistance application forms for each program of the authority setting forth the information necessary for the determination of probable eligibility for pollution control financial assistance. All forms must be submitted to the members for their review at a regular or special meeting and become effective only upon the approving vote of the members.

8300.1100 ACCEPTANCE OF POLLUTION CONTROL FINANCIAL ASSISTANCE APPLICATIONS.

In determining whether to accept applications for pollution control financial assistance, the members shall examine the following facts:

A. the probable eligibility of the pollution control financial assistance for a federal guarantee;

B. the nature of the pollution control facilities to be financed with the financial assistance;

C. the location of the proposed facilities;

D. the availability of bonding authority under the act; and

E. the extent to which the financial assistance will assist and encourage the establishment, maintenance, and growth of small business in Minnesota and reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business.

8300.1200 AUTHORIZATION OF POLLUTION CONTROL FINANCIAL ASSISTANCE.

No pollution control financial assistance may be authorized until the members of the authority have received and reviewed the recommendation of the commissioner relating to the financial assistance, and until the members have adopted a resolution approving the financial assistance. If the authority intends to fund the financial assistance by issuing bonds or bond anticipation notes, the resolution must include a statement that the obligation of the authority to provide financial assistance is contingent on the ability of the authority to sell its bonds or bond anticipation notes, on terms which the members of the authority, in their sole discretion, deem acceptable. The resolution may include other conditions and provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance.

? enough criteria for exercising discretion

BUSINESS FINANCIAL ASSISTANCE

8300.1500 OVERVIEW OF PROCEDURE FOR APPROVAL OF BUSINESS FINANCIAL ASSISTANCE.

Subpart 1. **Owner's duty.** To be eligible for business financial assistance, an owner shall make an application for business financial assistance under parts 8300.1600 to 8300.1900 on approved application forms of the authority.

Subp. 2. **Commissioner's duty.** The commissioner shall process the application in accordance with the procedures and limitations set out in parts 8300.1600 to 8300.1900. The criteria the commissioner shall use in approving an application

for processing are set out in parts 8300.1600 to 8300.1900.

Subp. 3. **Agency's duties.** Upon the determination by the commissioner that the business financial assistance requested meets the eligibility requirements of parts 8300.1600 to 8300.1900, the authority shall determine under parts 8300.2100 and 8300.2200 if the authority intends to fund the requested business financial assistance subject to final authorization by the authority.

Subp. 4. **Resolution to approve financial assistance.** Upon the determination by the authority that the financial assistance requested in an application which has been accepted for processing can and should be funded, the authority shall adopt a resolution approving the financial assistance. If the authority intends to fund the financial assistance by issuing bonds, the resolution must include a provision that the obligation of the authority to provide the financial assistance is contingent on the ability of the authority to sell its bonds on terms which the authority, in its sole discretion, deems acceptable. In addition, a resolution may contain other provisions and conditions as the authority, in its sole discretion, deems advisable.

existing language

8300.1600 APPLICATION PROCEDURES.

Subpart 1. **Submission of application.** The owner shall submit to the authority copies of the completed application upon the forms provided by the authority.

Subp. 2. **Incomplete applications.** Application is deemed to have been made when the authority receives a completed application with all required documentation and exhibits, together with the required fee specified in the application forms. If an incomplete application is received, the commissioner shall notify the applicant specifying the deficiencies. The applicant has 60 days from the date of the commissioner's notification to complete the application. If the application is not completed within 60 days, the application is deemed to be rejected and the applicant shall reapply to be further considered. If the commissioner is able to determine

from the information submitted on an incomplete application that the applicant is not an owner or the proceeds of the requested business financial assistance are intended to finance expenditures not permitted under the act, the commissioner shall reject the application and so notify the applicant.

Subp. 3. **Review by commissioner.** Upon receiving a completed application, the commissioner shall review the application and shall make a determination as to whether the applicant is an owner as defined in the act or the proceeds of the requested business financial assistance are intended to finance expenditures permitted under the act.

8300.1700 EXPENDITURES ELIGIBLE FOR FINANCIAL ASSISTANCE.

Costs eligible for funding are the expenditures set forth in the act, including but not limited to the following:

A. land and/or building acquisition costs;

B. site preparation;

C. construction costs;

D. engineering costs;

E. equipment and/or machinery;

F. bond issuance costs;

G. underwriting or placement fees;

H. trustee's fee;

I. fees of guarantor, fees or insurance contracts, letters of credit, municipal bond insurance, and surety bonds;

J. Small Business Administration processing and administration fee, if applicable;

K. authority fee and administrative costs and expenses;

L. certain contingency costs;

M. interest costs during construction;

N. legal fees, including those of authority's bond counsel; and

O. short-term costs of conducting an eligible small business.

8300.1800 NOTIFICATION OF APPROVAL OR DISAPPROVAL OF APPLICATION.

After approving or disapproving an application, the commissioner shall notify the applicant of the determination and the treatment of the application as follows:

A. If the commissioner determines that the applicant is an owner as defined in the act and that the costs specified in the application are eligible, the application is then deemed accepted for processing and treated in accordance with the authority review provisions established in parts 8300.2100 and 8300.2200.

B. If the commissioner determines that the applicant is not an owner as defined in the act, the application must be rejected and not further considered.

C. If the commissioner determines that any of the costs described in the application are not eligible for financial assistance, the commissioner shall note the deficiencies in the application and shall so notify the owner. The owner has 30 days from the date of the commissioner's notification to amend the application. if the application is amended in a timely fashion to include only eligible costs, it must be treated in accordance with the authority review provisions established in parts 8300.2100 and 8300.2200. If the application is not properly amended within 30 days, the application is deemed rejected and not further considered.

8300.1900 REVIEW OF REJECTED APPLICATION.

If an application is rejected for processing under part 8300.1800, item B or C, the applicant may, within 30 days after date of the notification by the commissioner, request the commissioner to submit the rejected application to the authority for review at the next regularly scheduled meeting of the authority for which the agenda has not been established. If the authority approves the application, the application must be treated in accordance with parts 8300.2100 and 8300.2200.

8300.2000 UNIFORM BUSINESS FINANCIAL ASSISTANCE APPLICATION FORMS.

The commissioner shall prepare uniform financial assistance

application forms for use by the public setting forth the information necessary for the determination of eligibility for business financial assistance under the act and this chapter.

8300.2100 EVALUATION PROCEDURE.

Applications approved for processing by the commissioner must be presented to the authority for approval or disapproval. If the authority disapproves the application, the commissioner shall so notify the applicant. If the authority approves the business financial assistance it shall pass a resolution giving approval to the project to be financed and stating the name of the owner, a brief description of the project, the amount of the financial assistance, and other provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance. The authority shall first pass a preliminary resolution if the authority intends to fund the financial assistance by issuing bonds. The preliminary resolution must not obligate the authority to issue bonds or to fund financial assistance, but must only constitute an expression of current intention of the authority to issue bonds or to fund the financial assistance. The preliminary resolution may contain a time limit with respect to the issuance of the bonds, may be revoked or amended by the authority at any time prior to the final resolution of the authority without liability to the authority, and may impose any conditions or requirements which the authority deems desirable. The commissioner shall notify the applicant of the authority's approval and furnish to the applicant a copy of the preliminary resolution.

? enough of a criteria to limit discretion

8300.2200 FACTORS TO CONSIDER IN EVALUATION PROCEDURE.

The authority shall review and consider approval of an application for business financial assistance, on the basis of effectuating the purposes of the act, regarding the following:

A. that the applicant is an owner as defined in the act;

B. that the small business reasonably can be expected

to maintain a sound financial condition and to retire the principal and pay the interest on the financial assistance made or guaranteed in accordance with the terms of the financial assistance agreement;

C. that the project is economically feasible with a reasonable expectation that the life of its economic feasibility will exceed the maturity of the loan or duration of financial assistance, as appropriate;

D. that the project will create or maintain a sufficient number and type of jobs to justify authority participation in its financing;

E. that the project's feasibility is sufficient to allow the authority to sell the bonds if any required for its financing;

F. that the project and its development are economically advantageous to the state, that the provision to meet increased demand upon public facilities as a result of the project is reasonably assured, and that energy sources to support the successful operation of the project are adequate;

G. that if the project shall have the effect of a transfer of employment from one area of this state to another the authority determines that the project is economically advantageous to the state or that the project is necessary to the continued operation of the business enterprise within the state; and

H. that the project will assist in fulfilling the purposes of the act.

Repealer. Parts 8300.0200 and 8300.0700 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 13 1984
Joan Anderson Growe
Secretary of State
10:39 AM

APPROVED AS TO LEGALITY
June 12, 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

In the Matter of the Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700.

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. 14.14, 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 Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700, are adopted this 7th day of May, 1984, pursuant to authority vested in me by M.S. 116j.91 subd. 4.

State of Minnesota

Mark B. Dayton
Commissioner
Minnesota Energy and Economic Development

STATE OF MINNESOTA

Minnesota Energy and Economic Development Authority

In the Matter of the Proposed Adoption of Rules of the Minnesota State Energy and Economic Development Authority Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700

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 Authority

Rules as Proposed

8300.0100 DEFINITIONS.

Subpart 1. **Statutory definitions.** The terms defined in Minnesota Statutes ~~1980~~, section ~~362.50~~ 116J.88 have the same meanings when used in ~~these rules~~ chapter 8300 as ascribed to them in the act.

Subp. 2. **Act.** "Act" means Laws of Minnesota 1980, chapter 547, as now in effect and as amended from time to time.

Subp. 2a. **Applicant.** "Applicant" means a person, partnership, firm, corporation, or association that applies to the authority for financial assistance.

Subp. 2b. **Authority.** "Authority" means the energy and economic development authority, formerly known as the small business finance agency.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of energy and economic development or his or her designee.

Subp. 4. ~~**Executive director.** "Executive director" means the executive director of the agency designated by the commissioner~~ **Financial assistance.** "Financial assistance" means loans, loan guarantees or insurance, and any other use of funds permitted by the act.

Subp. 5. **Members.** "Members" means the commissioner and those persons appointed to the ~~agency pursuant to Minnesota Statutes 1980, section 362.51, subdivision 8~~ authority under Minnesota Statutes, section 116J.89.

8300.0300 REGULAR MEETINGS.

Regular meetings of the ~~agency~~ authority shall be held on the ~~third~~ fourth Wednesday of each month at 3:00 p.m. at the offices of the ~~agency~~ authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. ~~In the event such~~ If this date ~~shall fall~~ falls on a legal holiday, the regular meeting shall be held on the next succeeding business day.

8300.0400 SPECIAL MEETINGS.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:
MVH

Special meetings of the ~~agency~~ authority may be called upon reasonable notice to all members by the chairperson or by a majority of the existing members of the ~~agency~~ authority, for the purpose of transacting any business designated in the notice, and shall be held at the business offices of the ~~agency~~ authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. At ~~any such~~ a special meeting, no business ~~shall~~ may be considered other than as designated in the notice~~;-provided,-however,-that-if~~ unless all of the members of the ~~agency~~ authority are present at ~~such~~ the special meeting~~,-this-limitation-shall-not-apply~~.

8300.0500 PUBLIC APPEARANCES AT MEETINGS OF MEMBERS.

The following procedures shall govern public appearances at meetings of the members:

A. With respect to regular meetings, the ~~executive director~~ commissioner shall complete the agenda for meetings of the members not less than five nor more than seven days prior to the date of ~~any such~~ the meeting.

B. With respect to regular meetings, any person who desires to appear and address the members shall make a written request to the ~~executive director,-with-a-copy-to-the chairperson~~ commissioner, at least ten days prior to the date of the meeting, setting forth the nature of the matter about which ~~such~~ the person wishes to appear.

C. With respect to regular or special meetings, any person who desires to appear and address the members with respect to any matter enumerated on the agenda shall make a written request to the ~~executive director,-with-a-copy-to-the chairperson~~ commissioner, at least 24 hours before the meeting.

D. Any member may at any time request that a person be permitted to appear and address the members at any regular or special meeting. All ~~such~~ requests ~~shall~~ must be placed on the agenda for review by the members at the meeting. A majority vote of the members present ~~shall be~~ is required ~~in order~~ to grant ~~any such~~ a request to address the members.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

8300.0600 MISREPRESENTATION OF APPLICATION INFORMATION.

~~The agency may forthwith reject any application, whether or not previously approved, may revoke any preliminary or final resolution prior to sale of the bonds approved thereby, or may refuse to close any loan in the event that any information provided to the agency by the owner contains a material misrepresentation or omission. Each applicant shall have an affirmative duty and obligation to update and correct all information provided to the agency.~~

Subpart 1. **Affirmative duty.** An applicant or financial institution has an affirmative duty and obligation to update and correct all information provided to the authority.

Subp. 2. **Authority's action.** If information provided to the authority by either the applicant or the financial institution contains a material misrepresentation or omission, the authority may:

1. reject an application whether or not previously approved;

2. refuse to provide financial assistance;

3. make financial assistance provided by it immediately due and payable; or

4. revoke any preliminary or final resolution prior to the provision of financial assistance or prior to the sale of the bonds approved by it.

POLLUTION CONTROL ~~LOANS~~ FINANCIAL ASSISTANCE

8300.1000 UNIFORM POLLUTION CONTROL ~~LOAN~~ FINANCIAL ASSISTANCE APPLICATION FORMS.

The ~~executive director~~ commissioner shall prepare uniform ~~loan~~ financial assistance application forms for ~~use by the public~~ each program of the authority setting forth the information necessary for the determination of probable eligibility for a pollution control ~~loan guaranteed or to be guaranteed as a full faith and credit obligation of the United States, by the United States Small Business Administration, or by another agency or instrumentality of the United States to~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~which-the-same-or-similar-power-may-be-granted~~ financial assistance. All forms ~~shall~~ must be submitted to the members for their review at a regular or special meeting and ~~shall~~ become effective only upon the approving vote of the members.

8300.1100 ACCEPTANCE OF POLLUTION CONTROL FINANCIAL ASSISTANCE APPLICATIONS.

In determining whether to accept applications for pollution control ~~loans~~ financial assistance, the members shall examine the following facts:

A. the probable eligibility of the pollution control ~~loan~~ financial assistance for a federal guarantee;

B. the nature of the pollution control facilities to be financed with the ~~loan~~ financial assistance;

C. the location of the proposed facilities;

D. the availability of bonding authority under the act; and

E. the extent to which the ~~loan~~ financial assistance will assist and encourage the establishment, maintenance, and growth of small business in Minnesota and reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business.

8300.1200 AUTHORIZATION OF ~~LOANS~~ POLLUTION CONTROL FINANCIAL ASSISTANCE.

No pollution control ~~loan shall~~ financial assistance may be ~~made~~ authorized until the members of the ~~agency~~ authority have received and reviewed the recommendation of the ~~executive director~~ commissioner relating to the ~~loan~~ financial assistance, and until the members have adopted a resolution approving the ~~loan, which resolution shall include, at a minimum:~~

~~A. a determination that the loan has been approved for a federal guarantee, as a full faith and credit obligation of the United States, by the United States Small Business Administration, or by another agency or instrumentality of the United States to which the same or similar power may be granted;~~ and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

B. financial assistance. If the authority intends to fund the financial assistance by issuing bonds or bond anticipation notes, the resolution must include a statement that the obligation of the ~~agency~~ authority to ~~make such loans~~ provide financial assistance is contingent on the ability of the ~~agency~~ authority to sell its bonds or bond anticipation notes, on terms which the members of the ~~agency~~ authority, in their sole discretion, deem acceptable. The resolution may include other conditions and provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance.

BUSINESS ~~LOANS~~ FINANCIAL ASSISTANCE

8300.1500 OVERVIEW OF PROCEDURE FOR APPROVAL OF BUSINESS ~~LOANS~~ FINANCIAL ASSISTANCE.

Subpart 1. **Owner's duty.** To be eligible for a business ~~loan~~ financial assistance, an owner shall make an application for ~~a business loan pursuant to~~ business financial assistance under parts 8300.1600 to 8300.1900 on approved application forms of the ~~agency~~ authority.

Subp. 2. **~~Executive director's~~ Commissioner's duty.** The ~~executive director~~ commissioner shall process the application in accordance with the procedures and limitations set out in parts 8300.1600 to 8300.1900. The criteria the ~~executive director~~ commissioner shall use in approving an application for processing are set out in parts 8300.1600 to 8300.1900.

Subp. 3. **Agency's duties.** Upon the determination by the ~~executive director~~ commissioner that the business ~~loan~~ financial assistance requested meets the eligibility requirements of parts 8300.1600 to 8300.1900, the ~~agency~~ authority shall determine ~~pursuant to~~ under parts 8300.2100 and 8300.2200 if the ~~agency~~ authority intends to fund the requested business ~~loan~~ financial assistance subject to final authorization by the ~~agency~~ authority.

Subp. 4. **Resolution to approve ~~loan~~ financial assistance.** Upon the determination by the ~~agency~~ authority that the ~~loan~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

financial assistance requested ~~pursuant to~~ in an application which has been accepted for processing can and should be funded, the ~~agency~~ authority shall adopt a resolution approving ~~such loan, which~~ the financial assistance. If the authority intends to fund the financial assistance by issuing bonds, the resolution ~~shall~~ must include a provision that the obligation of the ~~agency~~ authority to ~~make the loan~~ provide the financial assistance is contingent on the ability of the ~~agency~~ authority to sell its bonds on terms which the ~~agency~~ authority, in its sole discretion, deems acceptable. In addition, ~~any such~~ a resolution may contain ~~such~~ other provisions and conditions as the ~~agency~~ authority, in its sole discretion, deems advisable.

8300.1600 APPLICATION PROCEDURES.

Subpart 1. **Submission of application.** The owner shall submit to the ~~agency~~ authority copies of the completed application upon the forms provided by the ~~agency~~ authority.

Subp. 2. **Incomplete applications.** Application ~~shall be~~ is deemed to have been made ~~upon receipt by the agency of~~ when the authority receives a completed application with all required documentation and exhibits, together with the required fee specified in the application forms. ~~In the event that~~ If an incomplete application is received, the ~~executive director~~ commissioner shall notify the applicant specifying the deficiencies. The applicant ~~shall have~~ has 60 days from the date of the ~~executive director's~~ commissioner's notification to complete ~~such~~ the application. If the application is not completed within 60 days, the application ~~shall be~~ is deemed to be rejected and the applicant ~~must~~ shall reapply to be further considered. ~~In the event the executive director~~ If the commissioner is able to determine from the information submitted on an incomplete application that the applicant is not an owner or the proceeds of the requested business ~~loan~~ financial assistance are intended to finance expenditures not permitted under the act, the ~~executive director~~ commissioner shall reject the application and so notify the applicant.

Subp. 3. **Review by ~~executive director~~ commissioner.** Upon

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

receiving a completed application, the ~~executive director~~ commissioner shall review the application and shall make a determination as to whether the applicant is an owner as defined in the act or the proceeds of the requested business ~~loan~~ financial assistance are intended to finance expenditures permitted under the act.

8300.1700 ~~CAPITAL~~ EXPENDITURES ELIGIBLE FOR ~~FUNDING~~ FINANCIAL ASSISTANCE.

Costs eligible for funding are the ~~capital~~ expenditures set forth in the act, including but not limited to the following:

A. land and/or building acquisition costs;

B. site preparation;

C. construction costs;

D. engineering costs;

E. equipment and/or machinery;

F. bond issuance costs;

G. underwriting or placement fees;

H. ~~initial~~ trustee's fee;

I. ~~initial fee~~ fees of guarantor ~~or insurer, if applicable~~, fees or insurance contracts, letters of credit, municipal bond insurance, and surety bonds;

J. Small Business Administration processing and administration fee, if applicable;

K. ~~Minnesota Small Business Finance Agency~~ authority fee and administrative costs and expenses;

L. certain contingency costs;

M. interest costs during construction; ~~and~~

N. legal fees, including those of ~~agency's~~ authority's bond counsel; and

O. short-term costs of conducting an eligible small business.

8300.1800 NOTIFICATION OF APPROVAL OR DISAPPROVAL OF APPLICATION.

After approving or disapproving an application, the ~~executive director~~ commissioner shall notify the applicant of the determination and the treatment of the application as

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

follows:

A. If the ~~executive-director~~ commissioner determines that the applicant is an owner as defined in the act and that the costs specified in the application are eligible ~~for-funding~~, the application ~~shall~~ is then ~~be~~ deemed accepted for processing and treated in accordance with the ~~agency~~ authority review provisions established in parts 8300.2100 and 8300.2200.

B. If the ~~executive-director~~ commissioner determines that the applicant is not an owner as defined in the act, the application ~~shall~~ must be rejected and not further considered.

C. If the ~~executive-director~~ commissioner determines that any of the costs described in the application are not eligible for ~~funding~~ financial assistance, the ~~executive director~~ commissioner shall note the deficiencies in the application and shall so notify the owner. The owner ~~shall have~~ has 30 days from the date of the ~~executive director's~~ commissioner's notification to amend the application. ~~In the event~~ if the application is amended in a timely fashion to include only eligible costs, it ~~shall~~ must be treated in accordance with the ~~agency~~ authority review provisions established in parts 8300.2100 and 8300.2200. If the application is not properly amended within 30 days, the application ~~shall be~~ is deemed rejected and not further considered.

8300.1900 REVIEW OF REJECTED APPLICATION.

~~In the event that~~ If an application is rejected for processing ~~pursuant to~~ under part 8300.1800, item B or C, the applicant may, within 30 days after date of the notification by the ~~executive director~~ commissioner, request the ~~executive director~~ commissioner to submit the ~~determination~~ rejected application to the ~~agency~~ authority for review at the next regularly scheduled meeting of the ~~agency~~ authority for which the agenda has not been established. If the ~~agency~~ authority approves the application, the application ~~shall~~ must be treated in accordance with parts 8300.2100 and 8300.2200.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

8300.2000 UNIFORM BUSINESS ~~LOAN~~ FINANCIAL ASSISTANCE APPLICATION FORMS.

The ~~executive-director~~ commissioner shall prepare uniform ~~loan~~ financial assistance application forms for use by the public setting forth the information necessary for the determination of eligibility for a business ~~loan-pursuant-to~~ financial assistance under the act and ~~these-rules~~ this chapter.

8300.2100 EVALUATION PROCEDURE.

Applications approved for processing by the ~~executive director-shall~~ commissioner must be presented to the ~~agency~~ authority for approval or disapproval. If the ~~agency~~ authority disapproves the application, the ~~executive-director~~ commissioner shall so notify the applicant. If the ~~agency~~ authority approves the business ~~loan-for-funding~~ financial assistance it shall ~~forthwith~~ pass a ~~preliminary~~ resolution giving ~~preliminary~~ approval to the project to be financed ~~from-the-loan-proceeds~~ and stating the name of the owner, a brief description of the project, ~~and~~ the amount of the ~~loan~~ financial assistance, and other provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance. The authority shall first pass a preliminary resolution if the authority intends to fund the financial assistance by issuing bonds. ~~Such-a~~ The preliminary resolution ~~shall~~ must not obligate the ~~agency~~ authority to issue bonds or to fund ~~any-loan~~ financial assistance, but ~~shall~~ must only constitute an expression of current intention of the ~~agency~~ authority to issue ~~such~~ bonds or to fund ~~such-a-loan~~ the financial assistance. The preliminary resolution may contain a time limit with respect to the issuance of the bonds, may be revoked or amended by the ~~agency~~ authority at any time prior to the final resolution of the ~~agency~~ authority without liability to the ~~agency~~ authority, and may impose any conditions or requirements which the ~~agency~~ authority deems desirable. The ~~executive-director~~ commissioner shall ~~forthwith~~ notify the applicant of the ~~agency's~~ authority's approval and furnish to the applicant a copy of the preliminary resolution.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

8300.2200 FACTORS TO CONSIDER IN EVALUATION PROCEDURE.

The ~~agency~~ authority shall review and consider approval of an application for a business ~~loan~~ financial assistance, on the basis of effectuating the purposes of the act, ~~including determinations~~ regarding the following:

A. that the applicant is an owner as defined in the act;

B. that the small business reasonably can be expected to maintain a sound financial condition and to retire the principal and pay the interest on the ~~loan~~ financial assistance made or guaranteed in accordance with the terms of the ~~loan~~ financial assistance agreement;

C. that the project is economically feasible with a reasonable expectation that the life of its economic feasibility will exceed the maturity of the loan or duration of financial assistance, as appropriate;

D. that the project will create or maintain a sufficient number and type of jobs to justify ~~agency~~ authority participation in its financing;

E. that the ~~project~~ project's feasibility is sufficient to allow the ~~agency~~ authority to sell the bonds if any required for its financing;

F. that the project and its development are economically advantageous to the state, that the provision to meet increased demand upon public facilities as a result of the project is reasonably assured, and that energy sources to support the successful operation of the project are adequate;

G. that if the project shall have the effect of a transfer of employment from one area of this state to another the ~~agency~~ authority determines that the project is economically advantageous to the state or that the project is necessary to the continued operation of the business enterprise within the state; and

H. that the project will assist in fulfilling the purposes of the act.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

1 Repealer. Parts 8300.0200 and 8300.0700 are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD435

Agency: Department of Energy and Economic Development

Division:

Agency Contact: Madeline Harris 296-5023

Part Numbers: Parts 8300.0100; 8300.0300 to 8300.0600; 8300.1000 to 8300.1200; and 8300.1500 to 8300.2200

Title: Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700

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: January 30, 1984

STATE OF MINNESOTA

MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

In the Matter of the Proposed Rules
Governing the Minnesota Energy and
Economic Development Authority and
Repealing Parts 8300.0200 and 8300.0700.

STATEMENT OF NEED
AND REASONABLENESS

I. The Minnesota Energy and Economic Development Authority ("Authority") presents herein facts and justifications establishing the need for reasonableness of its proposed amendments to general operation procedures of the Minnesota Energy and Economic Development Authority.

8300.0100 Definitions.

Minnesota Statutes, section 14.07 requires that agency rules comply with the requirements set out by the revisor regarding the form of the drafted rules. The addition of subdivision headings in this section are to meet this requirement of compliance.

Technical changes. Changes in citation of statute and rule are nonsubstantive technical changes to update the rule in conformance with current citations and references (Laws of Minn., 1983 ch. 289).

Definitions. Definitions in this section provide common terminology and meaning for terms used in discussing and understanding the substantive provisions of this proposed rule. The definition of Authority, while duplicating statutory language, is included because it is the legal successor to the Small Business Finance Agency (SBFA) and the definition will provide clarification for persons reading the rule. The statute creating the SBFA provided for an executive director. However, the provisions providing for an executive director was deleted by Laws of Minn., 1983 ch. 289 § 78. Thus, the elimination of the executive director is required by statute. The Commissioner is given the power to administer a statewide program for the Authority (ch. 289, sec. 45, subd. h). The definition of financial assistance reflects the additional types of assistance the Authority is able to provide pursuant to Laws of Minn., 1983, ch. 289.

8300.0300 Regular Meetings.

Changes in this section, bring these rules in conformance with statutory changes in Laws of Minn., 1983, ch. 289, and change certain terms to preferred language alternatives

in conformance with revisor's guidelines. The change in date of regular authority meetings is being made for the convenience of board members.

8300.0500 Public Appearances at Meetings of Members.

Changes in this section are nonsubstantive changes that bring these rules in conformance with statutory changes in Laws of Minn., 1983, ch. 289 and change certain terms to preferred alternatives in conformance with revisor's guidelines.

8300.0600 Misrepresentation of Application Information.

This section reflects the need for a procedural clarification. Prior to the passage of Laws of Minn., 1983 ch. 289, the Small Business Finance Agency (SBFA) financed projects primarily through the issuance or direct placements of tax-exempt bonds. Laws of Minn., 1983, ch. 289 broadens the types of financial assistance the Authority is able to provide. The amendments describe the affirmative burdens placed on applicants to ensure that the necessary information to determine eligibility for assistance provided to the Authority is correct and current. It further describes the alternatives the Authority may take if these affirmative burdens are not met.

8300.0700 Severability.

MS 645.001 makes the provisions of MS 645.20 applicable to rules. Therefore, it is unnecessary to have a rule severability provision.

830.1000 Uniform Pollution Control Financial Assistance Application Forms.

Changes in this section reflect the broader areas of financial assistance the Authority is able to offer as a result of Laws of Minn., 1983 ch. 289. As a result of this legislation, pollution control equipment or operational financial assistance no longer need to be guaranteed by an agency of the federal government. The Authority is able to make direct loans and loan guarantees. Accordingly, it is no longer necessary or reasonable to limit the Authority to participation in a particular SBA program. Changes also reflect preferred language alternatives of the revisor.

8300.1100 Acceptance of Pollution Control Financial Assistance Applications.

Changes in this section are nonsubstantive and reflect the additional types of financial assistance the Authority is able to offer pursuant to Laws of Minn., 1983 ch. 289 as well as preferred style and language alternatives.

8300.1200 Authorization of Pollution Control Financial Assistance.

Changes in this section reflect the additional areas of financial assistance the Authority is able to offer as a result of Laws of Minn., 1983 ch. 289. As a result of this legislation, pollution control equipment or operational financial assistance no longer needs to be guaranteed by an agency of the federal government. The Authority is able to make direct loan guarantees that no longer need to be tied into (referenced to) a single SBA program. Changes also reflect preferred language alternatives.

If the financial assistance provided is going to be bonds, a resolution to this effect is required in conformation with federal tax law. Since federal tax laws are subject to change and bond rates fluctuate, it is unreasonable for the Authority to be obligated to sell bonds. Additionally, since the Authority will not always be doing bond resolutions, it may be appropriate to include other conditions and provisions that are appropriate for the type of financial assistance provided.

This language is necessary to make this section parallel to existing rule language on business financial assistance (see for example, page 9 line 17-21; page 6 line 3). Because of constantly changing conditions in the financial markets, it is impossible and thus unreasonable for the Authority to specify every condition that may be appropriate for prudent financial management of the Authority's financial assistance programs.

8300.1500 Overview of Procedure for Approval of Business Financial Assistance.

Changes in this section are nonsubstantive changes that bring the rules in conformance with statutory changes in Laws of Minn., 1983 ch. 289 and reflect the Revisor's preferred alternative language for rules.

8300.1600 Application Procedure.

Changes in this section are not substantive and bring the rules in conformance with statutory changes in Laws of Minn., 1983 ch. 289 and reflect the Revisor's preferred alternative language for rules.

8300.1700 Expenditures Eligible for Financial Assistance.

Changes in this section are nonsubstantive, and bring the rules into conformance with statutory changes in Laws of Minn., 1983 ch. 289, and reflect the revisor's preferred alternative rule language and style. Additional eligible funding costs are permitted in

ch. 289 as follows: Authority and administrative costs and expenses (section 71, subd. g); short term costs of conducting an eligible small business (section 66, subd. 7); fees on insurance contracts, letters of credit, municiple bond insurance and surety bonds (sec. 71, subd. (a (e)). "Initial" fees (sec. 71, subd. g. specifies these fees may be collected either initially or from time to time).

8300.1800 Notification of Approval or Disaproval of Appliance.
8300.1900 Review of Rejected Application.
8300.2000 Uniform Business Financial Assistance.

Changes in these sections are nonsubstantive and bring the rules into conformance with statutory changes in Laws of Minn., 1983 ch. 289 and the revisor's preferred language alternatives.

8300.2100 Evaluation Procedure.

Changes in this section bring these rules in conformance with statutory changes in Laws of Minn., 1983 ch. 289 and reflect preferred language alternatives. A preliminary resolution for bonds is required by federal tax law. The amendment serves only to clarify the preliminary resolution requirement, such a requirement was implicit in the rules as initially adopted.

II. Impact on Small Business.

Impact on small business. The Authority's authorizing legislation directs that their powers be used for small business purposes. Laws of Minn., 1983 ch. 289 reorganized the SBFA into the MEEDA. The Authority manages several loan programs and is able to help qualified small businesses through loan guarantees or outright loans. Since the original rules were formulated for small business, and the 1983 legislative session expanded the range of alternatives available to assist small businesses, there is no need to enumerate special provisions or exceptions to minimize the impact on small businesses. The proposed amendments do not establish a regulatory compliance or reporting program with mandatory application to a particular small business sector. The rules prescribe policy and procedures for the operation of a benefit program, and the decision to participate is voluntary. A small business can elect to participate in the financial assistance program, and that decision can be made for an individual transaction.

In terms of compliance and reporting requirements, because the Authority operates benefit programs, rather than regulatory programs, it operates on eligibility requirements rather than compliance requirements. However, the Authority has adopted the least stringent

eligibility requirements consistent with statutory authorizations of the programs. For example, "applicant" is defined broadly so that a small business need not be in a particular line of business. "Financial assistance", similarly, is defined to be inclusive rather than exclusive.

The proposed rules do not contain any design or operational standards.

Exemption of Small Business from Rule Requirements. As previously discussed, the financial assistance program is aimed at small business. All of the proposed rule requirements are promulgated with the capabilities and needs of smaller businesses in mind. The requirements adopted in the rules are those minimal and necessary to fulfillment of statutory requirements and standards; further exemptions are neither appropriate nor authorized.

To: Larry
Date: 5/31/84
Re: Energy + Economic Development Authority —
Governing MEEDA

Rules as Adopted

p. 4 line 22 — 8300.1200

p. 8 line 13 — 8300.2100

These sections grant MEEDA sole discretion to impose terms + conditions on applicants for financial assistance. However, the discretion is limited to a degree by what MEEDA deems advisable for "prudent management" of MEEDA's assistance. This may be sufficient criteria. — Inherent with grant of funds under 116 J is power to control the terms of its use — same rationale as below plus each loan situation is likely to be unique ~~and~~ mandating ~~the need~~ flexibility in terms.
—LDS

p. 6 line 13 — 8300.1700

There are no criteria to limit discretion as to what costs may be considered eligible in view of the inclusion of the phrase "including but not limited to..."

— o.k. The expansion of eligible costs for funding created by this language inures to the benefit of regulated parties, while establishing objective criteria which, if met, will at a minimum entitle applicant to funding/reimbursement. Also, this falls within the broad discretion inherent in the powers granted by Chapter 116 J.

—LDS.

MEEDA No. 83-30

STATE OF MINNESOTA

ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

In the Matter of the Proposed Rules of the Energy and Economic Development Authority Relating to Amendment of the Existing Rules of the Authority and the Adoption of New Rules.

CERTIFICATE OF AUTHORITY'S AUTHORIZING RESOLUTION

I, Robert J. Anderson, do hereby certify that I am Chairman of the Minnesota Energy and Economic Development Authority, 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 Authority duly and properly called and held on the 20th day of July, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution, that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "Resolved that Mark B. Dayton, one of the members of the Minnesota Energy and Economic Development Authority, be and he hereby is authorized and directed to sign an order for notice of intent to adopt rules without a public hearing and to give public notice for the purpose of promulgating rules of the Minnesota Energy and Economic Development Authority without a public hearing, said rules relating to amendment of the existing rules of the Authority and adoption of new rules relating to the making of business loans and various other programs of the Authority, as well as to perform any and all acts incidental thereto, including the signing of a notice of intent to adopt rules without a public hearing."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of July, 1983.

Robert J. Anderson, Chairman

ATTEST:

MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700.

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.91, subd. 4 (1982). 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. Minn. Laws 1983 ch. 289 reorganized the Small Business Finance Agency into the Minnesota Energy and Economic Development Authority. The Authority manages several loan programs and is able to help qualified small businesses through loan guarantees or outright loans. These amendments bring the rules into compliance with that statute and reflect the broader range of assistance the Authority is able to provide.

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 Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700.

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 Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700.

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

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Bremer Tower **Office Memorandum**

TO: JUDITH WEHRWEIN
Legal Assistant

DATE: May 16, 1984

FROM: CHRISTIE B. ELLER CBE
Special Assistant Attorney General

PHONE: 6-9200

SUBJECT: Proposed Rules Governing the Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700

The State Register made several minor clerical errors in the published text of the proposed rules. The errors do not alter the substance of the rules. Attached is a copy of the rules as published in the State Register with the errors noted. The errors were not contained in the copy of the revisor's draft of the proposed rules dated 1-30-84 submitted to the State Register. The 1-30-84 Revisor's draft of the proposed rules was included with the notice of intent to adopt rules mailed by the Authority on March 14, 1984.

The Authority will publish an errata sheet in the State register together with the future notice of adoption of the rules.

CBE:bl

Attachment

4351.0800 APPLICATION FORM FOR CERTIFICATION AS A QUALIFIED SMALL BUSINESS.

APPLICATION FOR CERTIFICATION
AS A QUALIFIED SMALL BUSINESS
Pursuant to Minnesota Statutes,
section 290.069, subdivision 1

Department of Energy and Economic Development

Date of application: _____

Name of business: _____

Address of business: _____

Primary purpose of business: _____

I _____ affirm that I am the _____ of the above named business entity and affirm:

1. that the above named business entity is organized for profit;

2. that the above named business entity has 20 or fewer employees and less than $1,000,000 in gross annual receipts;

3. that the above named business entity is not a subsidiary or affiliate of a business with more than 20 employees or with total gross receipts for the previous year of more than $1,000,000, as computed by aggregating all the employees and all the gross receipts of the business entities affiliated with the business;

4. that the above named business entity has its commercial domicile in this state;

5. that the above named business entity does not derive more than 20 percent of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities; and

6. that the above named business entity is not engaged in a trade or business, the primary purpose of which is described in section 103(b)(6)(0) of the Internal Revenue Code of 1954, as amended through January 15, 1984.

Notary Seal

Signature: _____

Date: _____

Energy and Economic Development Authority

Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700

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.

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.

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.91, subd. 4 (1982). 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. Minn. Laws 1983 ch. 289 reorganized the Small Business Finance Agency into the Minnesota Energy and Economic Development Authority. The Authority manages several loan programs and is able to help qualified small businesses through loan guarantees or outright loans. These amendments bring the rules into compliance with that statute and reflect the broader range of assistance the Authority is able to provide.

A copy of the proposed rule 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

8300.0100 DEFINITIONS.

Subpart 1. Statutory definitions. The terms defined in Minnesota Statutes ~~1980~~, section ~~362.50~~ 116J.88 have the same meanings when used in ~~these rules~~ chapter 8300 as ascribed to them in the act.

Subp. 2. Act. "Act" means Laws of Minnesota 1980, chapter 547, as now in effect and as amended from time to time.

Subp. 2a. Applicant. "Applicant" means a person, partnership, firm, corporation, or association that applies to the authority for financial assistance.

Subp. 2b. Authority. "Authority" means the energy and economic development authority, formerly known as the small business finance agency.

Subp. 3. Commissioner. "Commissioner" means the commissioner of energy and economic development or his or her designee.

Subp. 4. ~~Executive director.~~ ~~"Executive director" means the executive director of the agency designated by the commissioner~~ Financial Assistance. "Financial assistance" means loans, loan guarantees or insurance, and any other use of funds permitted by the act.

Subp. 5. Members. "Members" means the commissioner and those persons appointed to the ~~agency pursuant to Minnesota Statutes 1980, section 362.51, subdivision~~ 8 authority under Minnesota Statutes, section 116J.89.

8300.0300 REGULAR MEETINGS.

Regular meetings of the ~~agency~~ authority shall be held on the ~~third~~ fourth Wednesday of each month at 3:00 p.m. at the offices of the ~~agency~~ authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. ~~In the event such~~ If this date ~~shall fall~~ falls on a legal holiday, the regular meeting shall be held on the next succeeding business day.

8300.0400 SPECIAL MEETINGS.

Special meetings of the ~~agency~~ authority may be called upon reasonable notice to all members by the chairperson or by a majority of the existing members of the ~~agency~~ authority, for the purpose of transacting any business designated in the notice,

and shall be held at the business offices of the ~~agency~~ authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. At ~~any such~~ a special meeting, no business ~~shall~~ may be considered other than as designated in the notice~~; provided, however, that if~~ unless all of the members of the ~~agency~~ authority are present at ~~such~~ the special meeting~~, this limitation shall not apply~~.

8300.0500 PUBLIC APPEARANCES AT MEETINGS OF MEMBERS.

The following procedures shall govern public appearances at meetings of the members:

A. With respect to regular meetings, the ~~executive director~~ commissioner shall complete the agenda for meetings of the members not less than five nor more than seven days prior to the date of ~~any such~~ the meeting.

B. With respect to regular meetings, any person who desires to appear and address the members shall make a written request to the ~~executive director, with a copy to the chairperson~~ commissioner, at least ten days prior to the date of the meeting, setting forth the nature of the matter about which ~~such~~ the person wishes to appear.

C. With respect to regular or special meetings, any person who desires to appear and address the members with respect to any matter enumerated on the agenda shall make a written request to the ~~executive director, with a copy to the chairperson~~ commissioner, at least 24 hours before the meeting.

D. Any member may at any time request that a person be permitted to appear and address the members at any regular or special meeting. All ~~such~~ requests ~~shall~~ must be placed on the agenda for review by the members at the meeting. A majority vote of the members present ~~shall be~~ is required ~~in order~~ to grant ~~any such~~ a request to address the members.

8300.0600 MISREPRESENTATION OF APPLICATION INFORMATION.

~~The agency may forthwith reject any application, whether or not previously approved, may revoke any preliminary or final resolution prior to sale of the bonds approved thereby, or may refuse to close any loan in the event that any information provided to the agency by the owner contains a material misrepresentation or omission. Each applicant shall have an affirmative duty and obligation to update and correct all information provided to the agency.~~

Subpart 1. Affirmative duty. An applicant or financial institution has an affirmative duty and obligation to update and correct all information provided to the authority.

Supb. 2. Authority's action. If information provided to the authority by either the applicant or the financial institution contains a material misrepresentation or omission, the authority may:

1. reject an application whether or not previously approved;

2. refuse to provide financial assistance;

3. make financial assistance provided by it immediately due and payable; or

4. revoke any preliminary or final resolution prior to the provision of financial assistance or prior to the sale of the bonds approved by it.

POLLUTION CONTROL ~~LOANS~~ FINANCIAL ASSISTANCE

8300.1000 UNIFORM POLLUTION CONTROL ~~LOAN~~ FINANCIAL ASSISTANCE APPLICATION FORMS.

The ~~executive director~~ commissioner shall prepare uniform ~~loan~~ financial assistance application forms for ~~use by the public~~ each program of the authority setting forth the information necessary for the determination of probable eligibility for ~~a~~ pollution control ~~loan guaranteed or to be guaranteed as a full faith and credit obligation of the United States, by the United States Small Business Administration, or by another agency or instrumentality of the United States to which the same or similar power may be granted~~ financial assistance. All forms ~~shall~~ must be submitted to the members for their review at a regular or special meeting and ~~shall~~ become effective only upon the approving vote of the members.

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.

8300.1100 ACCEPTANCE OF POLLUTION CONTROL FINANCIAL ASSISTANCE APPLICATIONS.

In determining whether to accept applications for pollution control ~~loans~~ financial assistance, the members shall examine the following facts:

A. the probable eligibility of the pollution control ~~loan~~ financial assistance for a federal guarantee;

B. the nature of the pollution control facilities to be financed with the ~~loan~~ financial assistance;

C. the location of the proposed facilities;

D. the availability of bonding authority under the act; and

E. the extent to which the ~~loan~~ financial assistance will assist and encourage the establishment, maintenance, and growth of small business in Minnesota and reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business.

8300.1200 AUTHORIZATION OF ~~LOANS~~ POLLUTION CONTROL FINANCIAL ASSISTANCE.

No pollution control ~~loan shall~~ financial assistance may be ~~made~~ authorized until the members of the ~~agency~~ authority have received and reviewed the recommendation of the ~~executive director~~ commissioner relating to the ~~loan~~ financial assistance, and until the members have adopted a resolution approving the ~~loan, which resolution shall include, at a minimum:~~

~~A. a determination that the loan has been approved for a federal guarantee, as a full faith and credit obligation of the United States, by the United States Small Business Administration, or by another agency or instrumentality of the United States to which the same or similar power may be granted; and~~

~~B.~~ financial assistance. If the authority intends to fund the financial assistance by issuing bonds or bond anticipation notes, the resolution must include a statement that the obligation of the ~~agency~~ authority to ~~make such loans~~ provide financial assistance is contingent on the ability of the ~~agency~~ authority to sell its bonds or bond anticipation notes, on terms which the members of the ~~agency~~ authority, in their sole discretion, deem acceptable. The resolution may include other conditions and provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance.

BUSINESS ~~LOANS~~ FINANCIAL ASSISTANCE

8300.1500 OVERVIEW OF PROCEDURE FOR APPROVAL OF BUSINESS ~~LOANS~~ FINANCIAL ASSISTANCE.

Subpart 1. Owner's duty. To be eligible for a business ~~loan~~ financial assistance, an owner shall make an application for ~~a business loan pursuant to~~ business financial assistance under parts 8300.1600 to 8300.1900 on approved application forms of the ~~agency~~ authority.

Subp. 2. Executive director's Commissioner's duty. The ~~executive director~~ commissioner shall process the application in accordance with the procedures and limitations set out in parts 8300.1600 to 8300.1900. The criteria the ~~executive director~~ commissioner shall use in approving an application for processing are set out in parts 8300.1600 to 8300.1900.

Subp. 3. Agency's duties. Upon the determination by the ~~executive director~~ commissioner that the business ~~loan~~ financial assistance requested meets the eligibility requirements of parts 8300.1600 to 8300.1900, the ~~agency~~ authority shall determine ~~pursuant to~~ under parts 8300.2100 and 8300.2200 if the ~~agency~~ authority intends to fund the requested business ~~loan~~ financial assistance subject to final authorization by the ~~agency~~ authority.

Subp. 4. Resolution to approve loan financial assistance. Upon the determination by the ~~agency~~ authority that the ~~loan~~ financial assistance requested ~~pursuant to~~ in an application which has been accepted for processing can and should be funded, the ~~agency~~ authority shall adopt a resolution approving ~~such loan, which~~ the financial assistance. If the authority intends to fund the financial assistance by issuing bonds, the resolution ~~shall~~ must include a provision that the obligation of the ~~agency~~ authority to ~~make the loan~~ provide the financial assistance is contingent on the ability of the ~~agency~~ authority to sell its bonds on terms which the ~~agency~~ authority, in its sole discretion, deems acceptable. In addition, ~~any such~~ a resolution may contain ~~such~~ other provisions and conditions as the ~~agency~~ authority, in its sole discretion, deems advisable.

8300.1600 APPLICATION PROCEDURES.

Subpart 1. Submission of application. The owner shall submit to the ~~agency~~ authority copies of the completed application upon the forms provided by the ~~agency~~ authority.

Subp. 2. Incomplete applications. Application ~~shall be~~ is deemed to have been made ~~upon receipt by the agency of~~ when the authority receives a completed application with all required documentation and exhibits, together with the required fee specified

in the application forms. ~~In the event that~~ If an incomplete application is received, the ~~executive director~~ commisssioner shall notify the applicant specifying the deficiencies. The applicant ~~shall have~~ has 60 days from the date of the ~~executive director's~~ commissioner's notification to complete ~~such~~ the application. If the application is not completed within 60 days, the application ~~shall be~~ is deemed to be rejected and the applicant ~~must~~ shall reapply to be further considered. ~~In the event the executive~~ director If the commissioner is able to determine from the information submitted on an incomplete application that the applicant is not an owner or the proceeds of the requested business ~~loan~~ financial assistance are intended to finance expenditures not permitted under the act, the ~~executive director~~ commissioner shall reject the application and so notify the applicant.

Subp. 3. Review by executive director commissioner. Upon receiving a completed application, the ~~executive director~~ commissioner shall review the application and shall make a determination as to whether the applicant is an owner as defined in the act or the proceeds of the requested business ~~loan~~ financial assistance are intended to finance expenditures permitted under the act.

8300.1700 CAPITAL EXPENDITURES ELIGIBLE FOR FUNDING FINANCIAL ASSISTANCE.

Costs eligible for funding are the ~~capital~~ expenditures set forth in the act, including but not limited to the following:

A. land and/or building acquisition costs;

B. site preparation;

C. construction costs;

D. engineering costs;

E. equipment and/or machinery;

F. bond issuance costs;

G. underwriting or placement fees;

H. ~~initial~~ trustee's fee;

I. ~~initial fee~~ fees of guarantor ~~or insuror, if applicable, fees or insurance contracts, letters of credit, municipal bond insurance, and surety bonds;~~

~~J. Small Business Administration processing and administration fee, if applicable;~~

~~K. Minnesota Small Business Finance Agency~~ authority fee and administrative costs and expenses;

L. certain contingency costs;

M. interest costs during construction; ~~and~~

N. legal fees, including those of ~~agency's~~ authority's bond counsel; and

O. short-term costs of conducting an eligible small business.

8300.1800 NOTIFICATION OF APPROVAL OR DISAPPROVAL OF APPLICATION.

After approving or disapproving an application, the ~~executive director~~ commissioner shall notify the applicant of the determination and the treatment of the application as follows:

A. If the ~~executive director~~ commissioner determines that the applicant is an owner as defined in the act and that the costs specified in the application are eligible ~~for funding~~, the application ~~shall~~ is then ~~be~~ deemed accepted for processing and treated in accordance with the ~~agency~~ authority review provisions established in parts 8300.2100 and 8300.2200.

B. If the ~~executive director~~ commissioner determines that the applicant is not an owner as defined in the act, the application ~~shall~~ must be rejected and not further considered.

C. If the ~~executive director~~ commissioner determines that any of the costs described in the application are not eligible for ~~funding~~ financial assistance, the ~~executive director~~ commissioner shall note the deficiencies in the application and shall so notify the owner. The owner ~~shall have~~ has 30 days from the date of the ~~executive director's~~ commissioner's notification to amend the application. ~~In the event~~ if the application is amended in a timely fashion to include only eligible costs, it ~~shall~~ must

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.

~~be~~ treated in accordance with the ~~agency~~ authority review provisions established in parts 8300.2100 and 8300.2200. If the application is not properly amended within 30 days, the application ~~shall be~~ is deemed rejected and not further considered.

8300.1900 REVIEW OF REJECTED APPLICATION.

~~In the event that~~ If an application is rejected for processing ~~pursuant to~~ under part 8300.1800, item B or C, the applicant may, within 30 days after date of the notification by the ~~executive director~~ commissioner, request the ~~executive director~~ commissioner to submit the ~~determination~~ rejected application to the ~~agency~~ authority for review at the next regularly scheduled meeting of the ~~agency~~ authority for which the agenda has not been established. If the ~~agency~~ authority approves the application, the application ~~shall~~ must be treated in accordance with parts 8300.2100 and 8300.2200.

8300.2000 UNIFORM BUSINESS ~~LOAN~~ FINANCIAL ASSISTANCE APPLICATION FORMS.

The ~~executive director~~ commissioner shall prepare uniform ~~loan~~ financial assistance application forms for use by the public setting forth the information necessary for the determination of eligibility for a business ~~loan pursuant to~~ financial assistance under the act and ~~these rules~~ this chapter.

8300.2100 EVALUATION PROCEDURE.

Applications approved for processing by the ~~executive director shall~~ commissioner must be presented to the ~~agency~~ authority for approval or disapproval. If the ~~agency~~ authority disapproves the application, the ~~executive director~~ commissioner shall so notify the applicant. If the ~~agency~~ authority approves the business ~~loan for funding~~ financial assistance it shall ~~forthwith~~ pass a ~~preliminary~~ resolution giving ~~preliminary~~ approval to the project to be financed ~~from the loan proceeds~~ and stating the name of the owner, a brief description of the project, ~~and~~ the amount of the ~~loan~~ financial assistance, and other provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance. The authority shall first pass a preliminary resolution if the authority intends to fund the financial assistance by issuing bonds. ~~Such a~~ The preliminary resolution ~~shall~~ must not obligate the ~~agency~~ authority to issue bonds or to fund ~~any~~ ~~loan~~ financial assistance, but ~~shall~~ must only constitute an expression of current intention of the ~~agency~~ authority to issue ~~such~~ bonds or to fund ~~such a loan~~ the financial assistance. The preliminary resolution may contain a time limit with respect to the issuance of the bonds, may be revoked or amended by the ~~agency~~ authority at any time prior to the final resolution of the ~~agency~~ authority without liability to the ~~agency~~ authority, and may imopse any conditions or requirements which the ~~agency~~ authority deems desirable. The ~~executive director~~ commissioner shall ~~forthwith~~ notify the applicant of the ~~agency's~~ authority's approval ~~and~~ furnish to the applicant a copy of the preliminary resolution.

8300.200 FACTORS TO CONSIDER IN EVALUATION PROCEDURE.

The ~~agency~~ authority shall review and consider approval of an application for a business ~~loan~~ financial assistance, on the basis of effectuating the purposes of the act, ~~including determinations~~ regarding the following:

A. that the applicant is an owner as defined in the act;

B. that the small business reasonably can be expected to maintain a sound financial condition and to retire the principal and pay the interest on the ~~loan~~ financial assistance made or guaranteed in accordance with the terms of the ~~loan~~ financial assistance agreement;

C. that the project is economically feasible with a reasonable expectation that the life of its economic feasibility will exceed the maturity of the loan or duration of financial assistance, as appropriate;

D. that the project will create or maintain a sufficient number and type of jobs to justify ~~agency~~ authority participation in its financing;

E. that the ~~project~~ project's feasibility is sufficient to allow the ~~agency~~ authority to sell the bonds if any required for its financing;

F. that the project and its development are economically advantageous to the state, that the provision to meet increased demand upon public facilities as a result of the project is reasonably assured, and that energy sources to support the successful operation of the project are adequate;

G. that if the project shall have the effect of a transfer of employment from one area of this state to another the ~~agency~~ authority determines that the project is economically advantageous to the state or that the project is necessary to the continued operation of the business enterprise within the state; and

H. that the project will assist in fulfilling the purposes of the act.

Repealer. Parts 8300.0200 and 8300.0700 are repealed.

MEEDA RESOLUTION NO. 84-123
MINNESOTA ENERGY AND ECONOMIC
DEVELOPMENT AUTHORITY
STATE OF MINNESOTA
ST. PAUL, MINNESOTA

In the Matter of the Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700.

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 governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700 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. 91, subd. 4 (82) 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: _____
Chair

ATTEST: _____
Member

In the Matter of the Proposed
Rules Governing the Minnesota
Energy and Economic Development
Authority and Repealing Parts
8300.0200 and 8300.0700.

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