

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1109

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-15-84
DATE FOR REVIEW 11-24-84
DATE DUE 11-29-84

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

Approved 11-26-84 mj Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 11-26-84 Revisor approved 11/19/84
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 11.9.84 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
_____ Sufficiency incomplete citation to stat. authority - omits Ch. number

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

✓ Mailing list Certificate

✓ Publication in State Register incomplete stat. citation
10.8.84 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

_____ 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

To: Marty
Date: 11/16/84
Re: DEED - Allocation of Industrial Development Bond Issuance Authority.

Notice of Rulemaking

OK Incomplete citation to statutory authority but see Eller memo to me.

Rules as Adopted

.0100 subp. 2. A.
contains "including but not limited to"

has std w/in - OK

SF-00006-02

STATE OF MINNESOTA

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

TO : JUDITH WEHRWEIN, Legal Assistant
Attorney General's Office

DATE: 11-14-84

FROM : CHRISTIE B. ELLER CBE
Special Assistant Attorney General

PHONE: 6-9200

SUBJECT: Proposed Permanent Rules of the Department of Energy and Economic Development Governing Allocation of Industrial Development Bond Issuance Allocation.

In reviewing the Notice of Intent to adopt the above-cited rules for submission to your office, I noticed that the chapter was inadvertently left out of the citation for authority to adopt the rules. The correct citation is Laws of Minnesota, chapter 582, Sections 1 and 4. That chapter 582 was the chapter referred to in the notice should have been readily apparent to anyone reading the rule, since chapter 582 is referenced in each subpart of the proposed rule.

CBE:bl

MINNESOTA
Department of Energy
and Economic Development

Financial Management Division
Energy Finance 297-1332
Business Finance 297-3547

900 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

RECEIVED
NOV 15 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

November 9, 1984

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

Re: Proposed Noncontroversial Rules Governing the Allocation of Industrial Development Bond Issuance Authority

Dear Ms. Wehrwein:

Enclosed please find a complete set of documents for the above-entitled proposed noncontroversial rules of the Department of Energy and Economic Development including the following:

1) Rules as adopted
2) Order for notice of intent to adopt rules without a public hearing
3) Copy of the noncontroversial rules as proposed
4) Mailing list certificate
5) Affidavit of mailing
6) Notice of intent to adopt rules without a public hearing
7) Written comments on the rules received by the agency
8) Statement of Need and Reasonableness
9) Order adopting rules
10) Certificate of compliance with rulemaking procedures.

We have not had any requests for a hearing made during the thirty day period and we did not receive any comments on the rules. The agency made no changes to the proposed emergency rules. These rules are not 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 B. Eller at 296-9200.

Sincerely,

Edward J. Meyer, Jr.
Deputy Commissioner of Financial
Management, Department of Energy
and Economic Development

EJM:dc

Attachments

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Mark B. Dayton
Commissioner, Energy & Economic Development

DATE: November 26, 1984

ATTN: Christie Eller
Special Assistant Attorney General

FROM : Martha J. Casserly MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Allocation of Industrial Development Bond Issuance Authority

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.

MJC:slz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy.

Department of Energy and Economic Development

Adopted Rules Governing Allocation of Industrial Development Bond Issuance Authority

Rule as Adopted

4340.0100 ALLOCATION OF INDUSTRIAL DEVELOPMENT BOND ISSUANCE AUTHORITY.

Subpart 1. **Definitions.** The definitions in Laws of Minnesota 1984, chapter 582, section 13 and in this subpart apply to subparts 2 and 3:

A. "Allocation" means the aggregate limit of industrial development bond issuance authority granted to the Department of Energy and Economic Development by Laws of Minnesota 1984, chapter 582, section 14, subdivision 3.

B. "Authority" means the Minnesota Energy and Economic Development Authority.

C. "Commissioner" means the commissioner of the Department of Energy and Economic Development or a designee.

D. "Department" means the Department of Energy and Economic Development.

E. "Supplemental allocation" means any additional amount of industrial development bond issuance authority that may be available for allocation or reallocation under Laws of Minnesota 1984, chapter 582, section 16.

Subp. 2. **Allocation.** Under the authority granted in Laws of Minnesota 1984, chapter 582, sections 1; and 14, subdivision 3, the department shall allocate its total allocation to the authority by order of the commissioner if the authority meets the following requirements:

A. the authority operates programs of statewide application, including but not limited to business loans, small business loans, energy loans, farm loans, or pollution control loans located within a statewide jurisdiction;

B. the authority is a state entity or an agency with a statewide jurisdiction that has bond issuance authority and

that is subject to the federal limitations act, but is not allocated bond issuance authority under Laws of Minnesota 1984, chapter 582, section 14; and

C. the authority submits a resolution requesting the allocation from the department on or after the effective date of the federal limitations act in 1984 and on or before January 1 of subsequent years.

Subp. 3. **Supplemental allocation.** If the authority received all of the allocation under subpart 2 and if the authority submits a resolution to the department requesting additional bond issuance allocation, the department shall apply for a supplemental allocation from the pool amount on behalf of the authority according to Laws of Minnesota 1984, chapter 582, section 16, subdivision 1.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 26 1984
Joan Anderson Growe
Secretary of State
10:11 AM

APPROVED AS TO FORM AND LEGALITY
November 26 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Rule as Proposed (all new material)

4340.0100 ALLOCATION OF INDUSTRIAL DEVELOPMENT BOND ISSUANCE AUTHORITY.

Subpart 1. Definitions. The definitions in Laws of Minnesota 1984, chapter 582, section 13 and in this subpart apply to subparts 2 and 3:

A. "Allocation" means the aggregate limit of industrial development bond issuance authority granted to the Department of Energy and Economic Development by Laws of Minnesota 1984, chapter 582, section 14, subdivision 3.

B. "Authority" means the Minnesota Energy and Economic Development Authority.

C. "Commissioner" means the commissioner of the Department of Energy and Economic Development or a designee.

D. "Department" means the Department of Energy and Economic Development.

E. "Supplemental allocation" means any additional amount of industrial development bond issuance authority that may be available for allocation or reallocation under Laws of Minnesota 1984, chapter 582, section 16.

Subp. 2. Allocation. Under the authority granted in Laws of Minnesota 1984, chapter 582, sections 1; and 14, subdivision 3, the department shall allocate its total allocation to the authority by order of the commissioner if the authority meets the following requirements:

A. the authority operates programs of statewide application, including but not limited to business loans, small business loans, energy loans, farm loans, or pollution control loans located within a statewide jurisdiction;

B. the authority is a state entity or an agency with a statewide jurisdiction that has bond issuance authority and that is subject to the federal limitations act, but is not allocated bond issuance authority under Laws of Minnesota 1984, chapter 582, section 14; and

C. the authority submits a resolution requesting the allocation from the department on or after the effective date of

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

the federal limitations act in 1984 and on or before January 1 of subsequent years.

Subp. 3. **Supplemental allocation.** If the authority received all of the allocation under subpart 2 and if the authority submits a resolution to the department requesting additional bond issuance allocation, the department shall apply for a supplemental allocation from the pool amount on behalf of the authority according to Laws of Minnesota 1984, chapter 582, section 16, subdivision 1.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD633

Agency: Department of Energy and Economic Development

Division:

Agency Contact: Mary Callahan 297-1543

Minnesota Rules: Part 4340.0100

Title: Proposed Rule Governing Allocation of Industrial Development Bond Issuance Authority

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948

Date: September 20, 1984

STATE OF MINNESOTA

DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Allocation of Industrial Development Bond Issuance Authority

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on Monday, October 8, 1984 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, § 14.14, subdivision 1 on September 28, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 written requests for a public hearing within the 30 day comment period, reviewing 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 Allocation of Industrial Development Bond Issuance Authority are adopted this 9th day of November, 1984 pursuant to the authority vested in me by the Laws of Minneosta 1984, Chapter 582, § 1 and § 14, subdivision 3.

STATE OF MINNESOTA

Mark B. Dayton
Commissioner
Energy and Economic
Development

STATE OF MINNESOTA

DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Allocation of Industrial Development Bond Issuance Authority

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 14th day of September, 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 of Minnesota for that purpose and be published in the State Register.

STATE OF MINNESOTA

Mark B. Dayton
Commissioner
Energy and Economic Development

DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

In the Matter of the Proposed Adoption of Rules of the Department of Energy and Economic Development Governing its Allocation of Industrial Development Bond Issuance Authority

Notice of Intent to Adopt Rules Without a Public Hearing

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

Authority for the adoption of these rules governing the allocation of the Department's allocation of industrial development bond issuance authority is contained in Laws of Minnesota 1984, § 1 and § 14, subdivision 3. Additionally, a statement of Need and Reasonableness that describes the need for the 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 Ms. Callahan upon request at the address below. The Statement of Need and Reasonableness also may be reviewed by the public during the Department's regular business hours by contacting Ms. Callahan.

Persons interested in these rules shall have thirty (30) days to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. 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 twenty-five (25) or more persons submit written requests for a public hearing on the proposed rules within the thirty (30) day comment period, a public hearing will not be held. Any person submitting a written request for a hearing should state his or her name and address and the Department encourages that person to identify the portion of the proposed rule which they wish addressed at the hearing, the reason for the request, and any change proposed.

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 in writing of the Submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption should submit a written statement of such request to Ms. Callahan.

A copy of the proposed rules follows this Notice.

Persons who wish to obtain copies of this notice, the proposed rules or the Statement of Need and Reasonableness or to submit comments, a written request for a public hearing or a written request to be informed when the rules are submitted to the Attorney General should submit such comments or requests to:

Mary A. Callahan
Financial Management Division
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 297-1543

STATE OF MINNESOTA

Mark B. Dayton
Commissioner of Energy and
Economic Development

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Allocation of Industrial Development Bond Issuance Authority

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Darlene Christenson, being first duly sworn deposes and says:

That on the 28 day of Sept., 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served that attached Notice of Intent to Adopt Rules without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State of Minnesota for the purpose of receiving notice of the proposed adoption of rules by this Department.

Darlene A. Christenson

Subscribed and sworn to before me this
28th day of September, 1984.

RICHARD B. NADEAU
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Apr. 8, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Department of Energy and Economic Development Governing the Allocation of Industrial Development Bond Issuance Authority

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, § 14.14, subdivision 1, that their names be placed on file with and maintained by the State of Minnesota for the purpose of receiving notice of the proposed adoption of rules by The Department of Energy and Economic Development is accurate and complete as of 11:00 A.M., this 13th day of September, 1984.

Mary Anderson

Department of Energy and Economic Development

Proposed Rule Governing Allocation of Industrial Development Bond Issuance Authority

Notice of Intent to Adopt Rules without a Public Hearing

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

Authority for the adoption of these rules governing the allocation of the Department's allocation of industrial development bond issuance authority is contained in Laws of Minnesota 1984, § 1 and § 14, subdivision 3. Additionally, a Statement of Need and Reasonableness that describes the need for the 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 Ms. Callahan upon request at the address below. The Statement of Need and Reasonableness also may be reviewed by the public during the Department's regular business hours by contacting Ms. Callahan.

Persons interested in these rules shall have thirty (30) days to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. 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 twenty-five (25) or more persons submit written requests for a public hearing on the proposed rules within the thirty (30) day comment period, a public hearing will not be held. Any person submitting a written request for a hearing should state his or her name and address and the Department encourages that person to identify the portion of the proposed rule which they wish addressed at the hearing, the reason for the request, and any change proposed.

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 in writing of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption should submit a written statement of such request to Ms. Callahan.

A copy of the proposed rules follows this notice.

Persons who wish to obtain copies of this notice, the proposed rules or the Statement of Need and Reasonableness or to submit comments, a written request for a public hearing or a written request to be informed when the rules are submitted to the Attorney General should submit such comments or requests to:

Mary A. Callahan
Financial Management Division
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 297-1543

Mark B. Dayton
Commissioner of Energy and
Economic Development

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.

Rule as Proposed (all new material)

4340.0100 ALLOCATION OF INDUSTRIAL DEVELOPMENT BOND ISSUANCE AUTHORITY.

Subpart 1. Definitions. The definitions in Laws of Minnesota 1984, chapter 582, section 13 and in this subpart apply to subparts 2 and 3:

A. "Allocation" means the aggregate limit of industrial development bond issuance authority granted to the Department of Energy and Economic Development by Laws of Minnesota 1984, chapter 582, section 14, subdivision 3.

B. "Authority" means the Minnesota Energy and Economic Development Authority.

C. "Commissioner" means the commissioner of the Department of Energy and Economic Development or a designee.

D. "Department" means the Department of Energy and Economic Development.

E. "Supplemental allocation" means any additional amount of industrial development bond issuance authority that may be available for allocation or reallocation under Laws of Minnesota 1984, chapter 582, section 16.

Subp. 2. Allocation. Under the authority granted in Laws of Minnesota 1984, chapter 582, sections 1; and 14, subdivision 3, the department shall allocate its total allocation to the authority by order of the commissioner if the authority meets the following requirements:

A. the authority operates programs of statewide application, including but not limited to business loans, small business loans, energy loans, farm loans, or pollution control loans located within a statewide jurisdiction;

B. the authority is a state entity or an agency with a statewide jurisdiction that has bond issuance authority and that is subject to the federal limitations act, but is not allocated bond issuance authority under Laws of Minnesota 1984, chapter 582, section 14; and

C. the authority submits a resolution requesting the allocation from the department on or after the effective date of the federal limitations act in 1984 and on or before January 1 of subsequent years.

Subp. 3. Supplemental allocation. If the authority received all of the allocation under subpart 2 and if the authority submits a resolution to the department requesting additional bond issuance allocation, the department shall apply for a supplemental allocation from the pool amount on behalf of the authority according to Laws of Minnesota 1984, chapter 582, section 16, subdivision 1.

Department of Labor and Industry

Proposed Rules Governing Pipefitters' Fees

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State of Minnesota, Department of Labor and Industry (hereinafter "agency") proposes adoption of amendments to Minnesota Rules 5230.0100 without a public hearing. A public hearing will not be held on the proposed adoption of these amendments because the commissioner has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedure set forth in Minn. Stat. §§ 14.22-14.28 (as amended by Minn. Laws 1984, ch. 640, sec. 12-15).

Persons interested in these amendments have 30 days to submit comments in support of or in opposition to the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The proposed amendment may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed language. Persons who wish to submit comments should submit such comments within 30 days following the publication of this notice to:

Georgiana Henning
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2193

Authority for the adoption of these amendments is contained in Minn. Stat. §§ 16A.128 and 326.46, 326.47 and 326.50 as amended by Minn. Laws 1984, ch. 481. Additionally, a Statement of Need and Reasonableness that describes the need for and the reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available from Ms. Henning upon request.

STATE OF MINNESOTA

DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

In the Matter of the Proposed Adoption of Rules Governing the Allocation of Industrial Development Bond Issuance Authority

STATEMENT OF NEED AND REASONABLENESS

The Department of Energy and Economic Development (Department) presents herein fact and justification establishing the need for and reasonableness of its proposed rules governing the allocation of industrial development bond issuance authority.

8300.2400 Allocation of Industrial Development Bond Issuance Authority

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

Subpart 1. Definitions. The definitions in Laws of Minnesota 1984, chapter 582, § 13 and in this subpart apply to subparts 2 and 3:

A. "Allocation" means the aggregate limit of industrial development bond issuance authority granted to the Department of Energy and Economic Development by Laws of Minnesota 1984, chapter 582, § 14, subdivision 3.

B. "Authority" means the Minnesota Energy and Economic Development Authority.

C. "Commissioner" means the commissioner of the Department of Energy and Economic Development or a designee.

D. "Department" means the Department of Energy and Economic Development.

E. "Supplemental allocation" means any additional amount of industrial development bond issuance authority that may be available for allocation or reallocation under Laws of Minnesota 1984, chapter 582, § 16.

Subpart 1. 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 allocation provides clarification for persons reading the rule and permits one word to replace the use of a cumbersome phrase to express what is meant by the aggregate limit of industrial development bond issuance authority granted to the Department by Laws of Minnesota 1984, chapter 582, § 14, subdivision 3. The definition of Authority as the Minnesota Energy and Economic Development Authority (Authority) while duplicating statutory language, is included because Laws of Minnesota 1984, chapter 582, § 13 does not include a definition of the Authority, and the definition will provide clarification for persons reading the rule. The Commissioner is given the power to administer statewide programs for the Authority (Laws of Minnesota 1983, Chapter 289, § 45, subdivision h). Department is defined because it is not included in the definitions of Laws of Minnesota

1984, chapter 582, § 13. The Department does not fit the definitions in Chapter 582, § 13 for either entitlement issuer or local issuer, although the Department is granted a bond issuance allocation in § 14, subdivision 3. Supplemental allocation is defined to provide clarification between the allocation of bond issuance authority given to the Department in § 14, subdivision 3 and the pool amount available to be allocated under § 16.

Subpart 2. Allocation. Under the authority granted in Laws of Minnesota 1984, chapter 582, § 1 and § 14, subdivision 3, the department shall allocate its total allocation to the authority by order of the commissioner if the authority meets the following requirements:

A. the authority operates programs of statewide application, including but not limited to business loans, small business loans, energy loans, farm loans, or pollution control loans located within a statewide jurisdiction;

B. the authority is a state entity or an agency with a statewide jurisdiction that has bond issuance authority and that is subject to the federal limitations act, but is not allocated bond issuance authority under Laws of Minnesota 1984, chapter 582, § 14; and

C. the authority submits a resolution requesting the allocation from the department on or after the effective date of the federal limitations act in 1984 and on or before January 1 of subsequent years.

Subpart 2. Allocation. This section reflects the need for the Department to adopt rules in order to allocate its allocation of bond issuance authority, pursuant to Laws of Minnesota 1984, chapter 582, § 1 as well as § 14, subdivision 3. It is reasonable that the Department gives all of its bond issuance authority to the Authority since the Department includes the staff appointed by the Commissioner to perform the duties of the Authority pursuant to Minnesota Statutes 116J.89, subdivision 10.

Laws of Minnesota 1984, chapter 582, § 1, clause (2) states that the rules governing the Department's allocation of its issuance authority shall contain criteria and procedures for the allocation of authority. In order to comply with the intent of the Statute, A to C of Subpart 2A are reasonable because the Authority is the only entity or agency granted the authority and funding to issue bonds which operates statewide programs which did not receive an allocation pursuant to chapter 582. This criteria supports and is consistent with the legislation in Minnesota Statutes 116J.89. Subpart 2B is reasonable because under chapter 582 the department is given an allocation of issuance authority to issue bonds, but does not have statutory authority to actually issue bonds nor any money allocated to it to issue bonds; whereas, the Authority has the funding and the authority, but has not been allocated bond issuance authority under Laws of Minnesota 1984, chapter 582, § 14. Subpart 2C is reasonable since it is consistent with the operating procedures of the Authority to pass a resolution to take an action. It also gives the Commissioner a control mechanism by which he can check on an annual

basis to make sure that the Authority does in fact operate programs within a statewide jurisdiction and that the Authority is not allocated bond issuance authority under the statue.

Subpart 3. Supplemental allocation. If the authority received all of the allocation under subpart 2 and if the authority submits a resolution to the Department requesting additional bond issuance allocation, the Department shall apply for a supplemental allocation from the pool amount on behalf of the authority according to Laws of Minnesota 1984, chapter 582, § 16, subdivision 1.

Subpart 3. Supplemental allocation. This section reflects the need for procedural clarification. Laws of Minnesota 1984, chapter 582, § 16 allows the Department to receive an allocation from the pool amount. The law does not provide for the Authority to receive an allocation from the pool; therefore, the process by which the Authority is to request the Department to make an application to the pool for a supplemental allocation is needed. Subpart 3 is reasonable because it is consistent with the operating procedures of the Authority to pass a resolution to take action. In addition, it provides the Authority an additional source of bonding authority above the allocation granted to the Department to operate its programs and fulfill the purposes of Minnesota Statutes 116J.89.

In the Matter of the
Proposed Adoption of Rules of
the Department of Energy and
Economic Development Governing
the Allocation of Industrial
Development Bond Issuance
Authority.

STATEMENT OF COMPLIANCE FOR THE SPECIAL ASSISTANCE PROGRAM

I, Christie B. Eller, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: November 14, 1984

Christie B. Eller

Christie B. Eller
Special Assistant
Attorney General