

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1240

05.0009-0142

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-30-85
DATE FOR REVIEW 1-8-86
DATE DUE 1-13-86

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

Approved _____ ~~Disapproved~~ WITHDRAWN Returned to Agency 1/13/86

Resubmitted 2/13/86 ? Due _____
Approved 2/13/86 Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 2-13-86 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.30.85 Date combined with FF

✓ Notice of Intent to Solicit Outside Opinion SR 8.A.85

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
11.25.85 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 combined with order adopting

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

? Statement of Need and Reasonableness DOF approval of fees not signed but Agency contact said DOF does not necessarily have to sign.

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-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: MARK B. DAYTON, Chairman
Minnesota Energy and Economic Development Authority

DATE: 2/13/86

ATTN: CHRISTIE ELLER
Special Assistant Attorney General

FROM: J. MICHAEL MILES jmm
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Minnesota Energy and Economic Development Authority Governing the Health Care Equipment Loan Program

The above-referenced rule has been approved as to its legality by the Attorney General on February 13, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1240

AG copy

Energy and Economic Development Department

Energy and Economic Development Authority

Adopted Rules Relating to Health Care Equipment Loan Program

Rules as Adopted

8300.3200 SCOPE AND AUTHORITY.

Parts 8300.3200 to 8300.3204 apply to applications for loans for health care equipment made to the authority under Minnesota Statutes, section 116M.07, subdivision 7a.

8300.3201 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 8300.3200 to 8300.3204, the following terms have the meanings given to them.

Subp. 2. **Application fees.** "Application fees" means the fee charged by the authority, in connection with an application for program funds, based on the actual direct cost of processing the application and servicing loans by the commissioner and the commissioner of health. The application fee is two-fifths of one percent of the program funds requested in applications received during any calendar quarter established by part 8300.3204, subpart 1, and shall be paid in accordance with part 8300.3204, subpart 6. The fees shall not exceed the applicable federal limitations imposed by section 103(c) of the Internal Revenue Code of 1954, as amended, or other applicable federal laws governing the issuance of bonds or notes by the authority. FFI

Subp. 3. **Authority.** "Authority" means the Minnesota Energy and Economic Development Authority created in Minnesota Statutes, section 116M.06.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Energy and Economic Development or a designee.

Subp. 5. **Program funds.** "Program funds" means the money for loans made available from the sale of bonds or notes as set forth in the indenture adopted by the Minnesota Energy and Economic Development Authority pursuant to Minnesota Statutes,

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: DSN

section 116M.07, subdivision 7b.

Subp. 6. Project. "Project" means all functionally related equipment and all associated costs including application fees; bond issuance costs; underwriting or placement fees; trustee fees; bond insurance; fees of guarantor, insurer, or financial institution other than the authority who provides letter of credit, surety bonds, or equivalent security; legal fees, including those of the authority's bond counsel; and debt service reserve fund.

8300.3202 ELIGIBLE PROJECT FOR PROGRAM FUNDS.

To be eligible for program funds, an application must meet the criteria outlined in Minnesota Statutes, section 116M.07, subdivision 7c, and part 4647.0200, subpart 3.

8300.3203 PROCEDURES FOR HEALTH CARE EQUIPMENT LOAN APPLICATIONS.

Subpart 1. **In general.** To apply for assistance from the authority, an applicant shall submit two completed application forms to the commissioner on a form provided by the commissioner. An application must be completed, dated, and signed by an authorized officer of an applicant and include certification of bond insurance issued by a private insurer as required by Minnesota Statutes, section 116M.07, subdivision 7b.

Subp. 2. Contents. Applications must include the amount of the requested loan and information necessary for approval by the commissioner of health pursuant to Minnesota Statutes, section 116M.07, subdivision 7c, and parts 4647.0100 to 4647.0400.

8300.3204 PROCEDURES FOR APPLICATION PROCESSING.

Subpart 1. **Deadline for submission.** Applications for program funds will be processed on a quarterly basis. Applicants shall submit completed application forms by February 1, May 1, August 1, or November 1 to receive consideration or priority under part 4647.0300 in the respective quarter. If an application is received after the quarterly application deadline, it shall be forwarded to the commissioner of health.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 2. **Review by Department of Health.** When an application is received by the commissioner, a copy of the application will be sent to the commissioner of health for review. Upon receipt of the notification from the commissioner of health that the application or a project within an application has been approved, the commissioner will follow the procedure under subpart 3 or 4.

Subp. 3. **Review and approval.** The authority may not approve an application, or a project within an application, nor make a loan to an applicant unless the application or project within an application has been approved by the commissioner of health. If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution approving the application or project and make the loan if sufficient program funds are available and ~~bond insurance is issued by a private insurer~~ if the loan to the applicant has been approved by the private insurer which has issued a letter of credit or bond insurance policy with respect to the indenture adopted by the authority pursuant to Minnesota Statutes, section 116M.07, subdivision 7b. FF2

Subp. 4. **Authority review and rejection.** If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution rejecting the application or project, and notify the applicant of the rejection, only if the authority finds that there are insufficient program funds available or that ~~bond insurance required to be issued by a private insurer is not available~~ the applicant had been denied by the private insurer which has issued a letter of credit or bond insurance policy with respect to the indenture adopted by the authority pursuant to Minnesota Statutes, section 116M.07, subdivision 7b. FF3

Subp. 5. **Loan agreement and disbursement.** Upon approval of an application or project within an application by the authority, the commissioner shall send a loan agreement to the applicant. The applicant shall have a duly authorized officer execute and return the executed loan agreement to the

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commissioner. The program funds approved by the authority for an applicant will be disbursed upon execution of and according to the terms of the loan agreement and the health care equipment program indenture.

Subp. 6. **Payment of application fee.** The application fee established pursuant to part 8300.3201, subpart 5 2, shall be paid by the trustee specified in the health care equipment loan indenture on a quarterly basis no later than at the time of disbursement.

Subp. 7. **Preparation of documents.** The commissioner has the authority and responsibility to prepare or cause to be prepared all necessary documents and to execute them on behalf of the authority.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 13 1986
Joan Anderson Growe
Secretary of State
3:12 PM

APPROVED AS TO FORM AND LEGALITY

2/13 19 86

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Energy and Economic Development Department
Energy and Economic Development Authority

Proposed Rules Relating to Health Care Equipment Loan Program

Rules as Proposed (all new material)

8300.3200 SCOPE AND AUTHORITY.

Parts 8300.3200 to 8300.3204 apply to applications for loans for health care equipment made to the authority under Minnesota Statutes, section 116M.07, subdivision 7a.

8300.3201 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 8300.3200 to 8300.3204, the following terms have the meanings given to them.

Subp. 2. **Application fees.** "Application fees" means the fee charged by the authority, in connection with an application for program funds, based on the actual direct cost of processing the application and servicing loans by the commissioner and the commissioner of health. The application fee is two-fifths of one percent of the program funds requested in applications received during any calendar quarter established by part 8300.3204, subpart 1, and shall be paid in accordance with part 8300.3204, subpart 6.

Subp. 3. **Authority.** "Authority" means the Minnesota Energy and Economic Development Authority created in Minnesota Statutes, section 116M.06.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Energy and Economic Development or a designee.

Subp. 5. **Program funds.** "Program funds" means the money for loans made available from the sale of bonds or notes as set forth in the indenture adopted by the Minnesota Energy and Economic Development Authority pursuant to Minnesota Statutes, section 116M.07, subdivision 7b.

Subp. 6. **Project.** "Project" means all functionally related equipment and all associated costs including application fees; bond issuance costs; underwriting or placement fees;

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BY:

trustee fees; bond insurance; fees of guarantor, insurer, or financial institution other than the authority who provides letter of credit, surety bonds, or equivalent security; legal fees, including those of the authority's bond counsel; and debt service reserve fund.

8300.3202 ELIGIBLE PROJECT FOR PROGRAM FUNDS.

To be eligible for program funds, an application must meet the criteria outlined in Minnesota Statutes, section 116M.07, subdivision 7c, and part 4647.0200, subpart 3.

8300.3203 PROCEDURES FOR HEALTH CARE EQUIPMENT LOAN APPLICATIONS.

Subpart 1. **In general.** To apply for assistance from the authority, an applicant shall submit two completed application forms to the commissioner on a form provided by the commissioner. An application must be completed, dated, and signed by an authorized officer of an applicant and include certification of bond insurance issued by a private insurer as required by Minnesota Statutes, section 116M.07, subdivision 7b.

Subp. 2. **Contents.** Applications must include the amount of the requested loan and information necessary for approval by the commissioner of health pursuant to Minnesota Statutes, section 116M.07, subdivision 7c, and parts 4647.0100 to 4647.0400.

8300.3204 PROCEDURES FOR APPLICATION PROCESSING.

Subpart 1. **Deadline for submission.** Applications for program funds will be processed on a quarterly basis. Applicants shall submit completed application forms by February 1, May 1, August 1, or November 1 to receive consideration or priority under part 4647.0300 in the respective quarter. If an application is received after the quarterly application deadline, it shall be forwarded to the commissioner of health.

Subp. 2. **Review by Department of Health.** When an application is received by the commissioner, a copy of the application will be sent to the commissioner of health for review. Upon receipt of the notification from the commissioner of health that the application or a project within an

APPROVED BY THE REVISOR OF STATUTES OFFICE BY

application has been approved, the commissioner will follow the procedure under subpart 3 or 4.

Subp. 3. **Review and approval.** The authority may not approve an application, or a project within an application, nor make a loan to an applicant unless the application or project within an application has been approved by the commissioner of health. If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution approving the application or project and make the loan if sufficient program funds are available and bond insurance is issued by a private insurer.

Subp. 4. **Authority review and rejection.** If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution rejecting the application or project, and notify the applicant of the rejection, only if the authority finds that there are insufficient program funds available or that bond insurance required to be issued by a private insurer is not available.

Subp. 5. **Loan agreement and disbursement.** Upon approval of an application or project within an application by the authority, the commissioner shall send a loan agreement to the applicant. The applicant shall have a duly authorized officer execute and return the executed loan agreement to the commissioner. The program funds approved by the authority for an applicant will be disbursed upon execution of and according to the terms of the loan agreement and the health care equipment program indenture.

Subp. 6. **Payment of application fee.** The application fee established pursuant to part 8300.3201, subpart 5, shall be paid by the trustee specified in the health care equipment loan indenture on a quarterly basis no later than at the time of disbursement.

Subp. 7. **Preparation of documents.** The commissioner has the authority and responsibility to prepare or cause to be prepared all necessary documents and to execute them on behalf of the authority.

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD865

Agency: Energy and Economic Development Department

Division: Energy and Economic Development Authority

Agency Contact: Christie Eller

Minnesota Rules: Parts 8300.3200 to 8300.3204

Title: Proposed Rules Relating to Health Care Equipment Loan Program

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948

Date: November 8, 1985

MEEDA RESOLUTION NO. 85-498
MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY
STATE OF MINNESOTA
ST. PAUL, MINNESOTA

In the Matter of the Proposed Adoption of the Rules of the Minnesota Energy and Economic Development Authority relating to Health Care Equipment Loan Program.

Findings of Fact, Conclusions and Order Adopting Noncontroversial Rules

Notice of Intent to adopt rules regarding the above-entitled matter was published in the State Register on November 25, 1985 at 10 S.R. 1202 and was mailed to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1, paragraph (a) and 14.22 on November 22, 1985.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. Fewer than 25 written requests for hearing within the 30-day comment period were received.

The Authority received one verbal comment regarding clarifications to the rules, which is attached hereto as an exhibit. The Authority received no other verbal or written comments on the rules or requests for notification of submission of the rules to the Attorney General.

Having afforded interested parties an opportunity to submit comments on the proposed rules, having received one verbal comment, the Authority makes the following:

FINDINGS

The Authority received a verbal comment from Christie B. Eller, Special Assistant Attorney General, recommending that clarifications be made to those sections in the rules related to application fees and to certain criteria for Authority approval or rejection of an application.

1. "Application fees" is set forth at Minn. Rules 8300.3201, Subp. 2 and reads as follows:

> Subp. 2. Application fees. "Application fees" means the fee charged by the authority, in connection with an application for program funds, based on the actual direct cost of processing the application and servicing loans by the commissioner and the commissioner of health. The application fee is two-fifths of one percent of the program funds requested in applications received during any calendar quarter established by part 8300.3204, subpart 1, and shall be paid in accordance with part 8300.3204, subpart 6.

Ms. Eller's recommendation is to amend this subpart by adding the following language:

> The fee shall not exceed the applicable Federal limitations imposed by Section 103(c) of the Internal Revenue Code or any other applicable federal laws governing the issuance of bonds or notes by the Authority.

p.1

This clarifying language is necessary to ensure that the application fees do not exceed applicable Federal limitations. This is not a substantial change since it does not introduce new subject matter to the rules as published.

2. The procedure for application processing related to "Review and approval" is set forth at Minn. Rule 8300.3204, Subp. 3, and reads as follows:

> Subp. 3. Review and approval. The authority may not approve an application, or a project within an application, nor make a loan to an applicant unless the application or project within an application has been approved by the commissioner of health. If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution approving the application or project and make the loan if sufficient program funds are available and bond insurance is issued by a private insurer [Emphasis added.]

Ms. Eller recommends that the language "bond insurance issued by a private insurer" be amended to read as follows:

> if the loan to the applicant has been approved by the private insurer which has issued a letter of credit or bond insurance policy with respect to the indenture adopted by the Authority pursuant to Minnesota Statutes, section 116M.07, subd. 7b.

p.3

Ms. Eller's recommendation constitutes a clarification to language addressing the criteria for approval of an application, and as such is not a substantial change to the rules as published since it does not introduce new subject matter.

3. Similarly, Ms. Eller recommends that a clarification be made to language relating to the criteria for the rejection of an application. "Authority review and rejection" is set forth at Minn. Rule 8300.3204, Subp. 4, and reads as follows:

> Subp. 4. Authority review and rejection. If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution rejecting the application or project, and notify the applicant of the rejection, only if the authority finds that there are insufficient program funds available or that bond insurance required to be issued by a private insurer is not available. [Emphasis added]

Ms. Eller recommends that the underlined language be amended to read:

> that the application had been denied by the private insurer which has issued a letter of credit or bond insurance policy with respect to the indenture adopted by the Authority pursuant to Minnesota Statutes, section 116M.07, subd. 7b.

p.3

This clarification is necessary to make clear the criteria for the Authority's rejection of an application, and as such does not constitute a substantial change to the rules as published since it does not introduce new subject matter.

CONCLUSIONS

1. The Authority gave proper notice of its intent to adopt the proposed rules.

2. The Authority has fulfilled the procedural requirements of Chapter 14, and all other procedural requirements of law or rule.

3. The Authority has statutory authority to adopt the proposed rules, and the clarifications thereto, and has fulfilled all other substantive requirements of the law or rules within the meaning of the Administrative Procedures Act.

4. The Authority has determined that the proposed changes to the rules as published do not constitute a substantial change since they do not introduce new subject matter.

5. The Authority has determined the need for and reasonableness of these adopted rules, and the clarifications thereto.

ORDER

NOW THEREFORE, IT IS ORDERED that these rules identified as Noncontroversial Rules governing the Health Care Equipment Loan Program, Parts 8300.3200 to 8300.3204 are adopted as modified herein this 30th day of December, 1985, pursuant to the authority vested in me by Minnesota Statutes 116M.08, Subdivision 4 (1984) and Minnesota Statutes 116M.07, Subdivision 7c (1985 Supp.)

STATE OF MINNESOTA

David Printy, Secretary
Minnesota Energy and Economic Development Authority

Dated: this 30th day of December, 1985

ADOPTED RULES

Department of Revenue

Adopted Rule Governing Multistate Tax Compact

The rule proposed and published at *State Register*, Volume 9, Number 37, pages 2003-2007, March 11, 1985 (9 S.R. 2003) is adopted with the following modifications:

Rule as Adopted

8017.5000 THE MULTISTATE TAX COMPACT.

Subpart 1. In general. Taxpayers who elect to be taxed under the apportionment and allocation provisions of Article IV of the Multistate Tax Compact, in accordance with Minnesota Statutes, section 290.171, are subject to the following regulations as found in Multistate Tax Commission Allocation and Apportionment Regulations, revised February 21, 1973, which is incorporated by reference. Copies of the regulations are available at the Minnesota State Law Library, 117 University Avenue, Saint Paul, MN 55155, and other law libraries. The regulations have also been printed in State and Local Taxes, volume 1, All States Unit, Prentice Hall, Inc., Englewood Cliffs, New Jersey. All references to Article IV refer to Minnesota Statutes, section 290.171, article IV. Taxpayers who elect to apportion their income to Minnesota pursuant to Minnesota Statutes, chapter 290, without regard to Minnesota Statutes, section 290.171, article IV, are subject to Minnesota Rules, chapter 8019.

FF. Regulation IV.18.(a), except that if combined reporting is used, the combined report shall reflect income only from corporations created or organized in the United States or under the laws of the United States or of any state, the District of Columbia, the commonwealth of Puerto Rico, any possession of the United States, or any political subdivision of any of the foregoing, and except that "Article IV.18" is amended to read "Minnesota Statutes, section 290.171, article IV.13" and "Article IV.10 to .17" is amended to read "Minnesota Statutes, section 290.171, article IV.5 to .12";

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Energy and Economic Development Energy and Economic Development Authority

Outside Opinion Sought Concerning a Proposed Rule Governing Health Care Equipment Loans

Notice is hereby given that the Minnesota Energy and Economic Development Authority is seeking information or opinions from interested or affected persons or groups in preparing to promulgate permanent rules governing Health Care Equipment Loans. Promulgation of these rules is authorized by M.S. Minnesota Laws 1985, Extended Session, Chapter 14, Section 18 (116M.07 Subd. 7a).

The Minnesota Energy and Economic Development Authority requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Terry Brown
Minnesota Energy and Economic Development Authority
900 American Center Building
140 E. Kellogg Blvd.
St. Paul, Minnesota 55101

Oral statements should be received during regular business hours over the telephone at 612/297-1981 and in person at the above address.

All statements of information and comments shall be accepted until September 1, 1985. Any written material received by the Authority shall become part of the record in the event the rules are promulgated.

STATE OF MINNESOTA

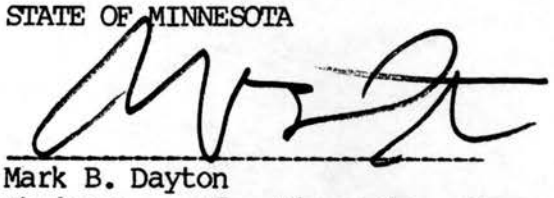
MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

In the Matter of the Proposed Adoption of Rules of the Minnesota Minnesota Energy and Economic Development Authority Governing the Health Care Equipment Loan Program.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 7th day of November, 1985 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 on behalf of the Minnesota Energy and Economic Development Authority for that purpose and be published in the State Register.

STATE OF MINNESOTA



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

MEEDA RESOLUTION NO. 85-498
MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY
STATE OF MINNESOTA
ST. PAUL, MINNESOTA

In the Matter of the Proposed Adoption of the Rules of the Minnesota Energy and Economic Development Authority relating to Health Care Equipment Loan Program.

Findings of Fact, Conclusions and Order Adopting Noncontroversial Rules

Notice of Intent to adopt rules regarding the above-entitled matter was published in the State Register on November 25, 1985 at 10 S.R. 1202 and was mailed to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1, paragraph (a) and 14.22 on November 22, 1985.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. Fewer than 25 written requests for hearing within the 30-day comment period were received.

The Authority received one verbal comment regarding clarifications to the rules, which is attached hereto as an exhibit. The Authority received no other verbal or written comments on the rules or requests for notification of submission of the rules to the Attorney General.

Having afforded interested parties an opportunity to submit comments on the proposed rules, having received one verbal comment, the Authority makes the following:

FINDINGS

The Authority received a verbal comment from Christie B. Eller, Special Assistant Attorney General, recommending that clarifications be made to those sections in the rules related to application fees and to certain criteria for Authority approval or rejection of an application.

1. "Application fees" is set forth at Minn. Rules 8300.3201, Subp. 2 and reads as follows:

> Subp. 2. Application fees. "Application fees" means the fee charged by the authority, in connection with an application for program funds, based on the actual direct cost of processing the application and servicing loans by the commissioner and the commissioner of health. The application fee is two-fifths of one percent of the program funds requested in applications received during any calendar quarter established by part 8300.3204, subpart 1, and shall be paid in accordance with part 8300.3204, subpart 6.

Ms. Eller's recommendation is to amend this subpart by adding the following language:

> The fee shall not exceed the applicable Federal limitations imposed by Section 103(c) of the Internal Revenue Code or any other applicable federal laws governing the issuance of bonds or notes by the Authority.

This clarifying language is necessary to ensure that the application fees do not exceed applicable Federal limitations. This is not a substantial change since it does not introduce new subject matter to the rules as published.

2. The procedure for application processing related to "Review and approval" is set forth at Minn. Rule 8300.3204, Subp. 3, and reads as follows:

> Subp. 3. Review and approval. The authority may not approve an application, or a project within an application, nor make a loan to an applicant unless the application or project within an application has been approved by the commissioner of health. If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution approving the application or project and make the loan if sufficient program funds are available and bond insurance is issued by a private insurer [Emphasis added.]

Ms. Eller recommends that the language "bond insurance issued by a private insurer" be amended to read as follows:

> if the loan to the applicant has been approved by the private insurer which has issued a letter of credit or bond insurance policy with respect to the indenture adopted by the Authority pursuant to Minnesota Statutes, section 116M.07, subd. 7b.

Ms. Eller's recommendation constitutes a clarification to language addressing the criteria for approval of an application, and as such is not a substantial change to the rules as published since it does not introduce new subject matter.

3. Similarly, Ms. Eller recommends that a clarification be made to language relating to the criteria for the rejection of an application. "Authority review and rejection" is set forth at Minn. Rule 8300.3204, Subp. 4, and reads as follows:

> Subp. 4. Authority review and rejection. If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution rejecting the application or project, and notify the applicant of the rejection, only if the authority finds that there are insufficient program funds available or that bond insurance required to be issued by a private insurer is not available. [Emphasis added]

Ms. Eller recommends that the underlined language be amended to read:

> that the application had been denied by the private insurer which has issued a letter of credit or bond insurance policy with respect to the indenture adopted by the Authority pursuant to Minnesota Statutes, section 116M.07, subd. 7b.

This clarification is necessary to make clear the criteria for the Authority's rejection of an application, and as such does not constitute a substantial change to the rules as published since it does not introduce new subject matter.

CONCLUSIONS

1. The Authority gave proper notice of its intent to adopt the proposed rules.

2. The Authority has fulfilled the procedural requirements of Chapter 14, and all other procedural requirements of law or rule.

3. The Authority has statutory authority to adopt the proposed rules, and the clarifications thereto, and has fulfilled all other substantive requirements of the law or rules within the meaning of the Administrative Procedures Act.

4. The Authority has determined that the proposed changes to the rules as published do not constitute a substantial change since they do not introduce new subject matter.

5. The Authority has determined the need for and reasonableness of these adopted rules, and the clarifications thereto.

ORDER

NOW THEREFORE, IT IS ORDERED that these rules identified as Noncontroversial Rules governing the Health Care Equipment Loan Program, Parts 8300.3200 to 8300.3204 are adopted as modified herein this 30th day of December, 1985, pursuant to the authority vested in me by Minnesota Statutes 116M.08, Subdivision 4 (1984) and Minnesota Statutes 116M.07, Subdivision 7c (1985 Supp.)

STATE OF MINNESOTA

David Printy, Secretary
Minnesota Energy and Economic Development Authority

Dated: this 30th day of December, 1985

MEEDA RESOLUTION NO. 85-401
MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY
STATE OF MINNESOTA
ST. PAUL, MINNESOTA

In the Matter of the Proposed Permanent Rules of the Energy and Economic Development Authority Relating to Rules for the Hospital Equipment Loan Program.

CERTIFICATE OF AUTHORITY'S AUTHORIZING RESOLUTION

I, Mark B. Dayton, do hereby certify that I am a member and the Chairman of the Energy and Economic Development Authority, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Energy and Economic Development Authority duly and properly called and held on the 28th day of August, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Mark B. Dayton, Chairman, Lyn Burton, Vice Chairman, or David L. Printy, Secretary of the Energy and Economic Development Authority, be and they hereby are granted the authority and directed to sign an Order of the Energy and Economic Development Authority directing the publication in the State Register of proposed permanent rules governing the Hospital Equipment Loan Program as well as perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of August, 1985.

BY: 

Chair, Vice Chair, or Secretary



Member of the Authority

MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

In the Matter of the Proposed Adoption of Rules of the Minnesota Energy and Economic Development Authority Governing the Health Care Equipment Loan Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority (hereinafter "the Authority") proposes to adopt the above entitled rules without a public hearing. The Authority 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, Sec. 14.21 to Sec. 14.28.

Authority for the adoption of these rules governing health care equipment loans is contained in Minnesota Statutes 116M.08, Subdivision 4 (1984) and Minn. Stat. 116M.07, Subd. 7c (1985 Supp.) 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. Kultala upon request at the address below. The Statement of Need and Reasonableness also may be reviewed by the public during regular business hours by contacting Ms. Kultala.

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 Authority 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. If a public hearing is required, the Authority will proceed pursuant to Minn. Stat., Sec. 14.131 to 14.20.

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. Kultala.

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 who wish to submit comments, a written request for a public hearing or a request to be informed when the rules are submitted to the Attorney General should submit such comments or requests to:

Debra J. Kultala
Financial Management Division
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-4337

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

In the Matter of the Proposed Adoption of Rules of the Minnesota Energy and Economic Development Authority Governing the Health Care Equipment Loan Program

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Darlene Christenson, being first duly sworn deposes and says:

That on the 22nd day of November, 1985, 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 Minnesota Energy and Economic Development Authority for the purpose of receiving notice of the proposed extension of rules by this Authority.

Darlene A. Christenson
Darlene A. Christenson

Subscribed and sworn to before me
this 30th day ofDecember,1985
Richard B Nadeau

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

MINN DEPT OF ENERGY & ECONOMIC DEVELOPMENT
POLICY ANALYSIS DIVISION
POSTAL DATA BASE
RULES & REGULATIONS

COMPILED BY
MARY ANDERSEN

LABELS CONTAINING
THE FOLLOWING NAMES
DELIVERED 11/22/85
TO Darlene Christenson

LIST OF CODE RULES-POSTAL DATA BASE
85/11/06.

***	ID#	COMPANY	LAST NM	FIRST NM	ADDRESS	CITY	ZIP
*	6680		ALFERS	MARK	2496 145TH ST W	ROSEMOUNT	55068
*	8544		ANDERSON	HERBERT K	418 EIGHTH ST S	VIRGINIA	55792
*	8555		BROOKS JR	WILLIAM F	405 SECOND AVE S-RM 900	MPLS	55401
*	16966		DEMI	BERNARD J	BOX 76	CARLOS	56319
*	8514		DIRACLES	JAMES C	80 EIGHTH ST S-RM 4040	MPLS	55402
*	8515		DRAWZ	JOHN E	120 SIXTH ST S-RM 2000	MPLS	55402
*	16789		EDEL	SUSAN	86 HILLSDALE COURT	WINONA	55987
*	36904		ELLER	CHRISTIE B	BREMER TOWER-RM 1100	ST PAUL	55101
*	8571		FITZPATRICK	LEO C	8138 HENSLOWE AVE S	COTTAGE GROVE	55016
*	12363		FLOHRS	WAYNE	COURTHOUSE-RM 105	FAIRMONT	56031
*	2267		FRANK	DONALD J	STATE CAPITOL BLDG-RM G28	ST PAUL	55155
*	6682		GREENWALD	MARTHA	2222 ELM ST SE	MPLS	55414
*	65317		JENSEN	JAMES	BOX 459	RUSHFORD	55971
*	8446		JERONIMUS	DAVID	4808 TIOGA ST	DULUTH	55802
*	66323		KEYES	RALPH T	1631 BROOKS AVE W	ST PAUL	55113
*	1630		LINDBERG	CLARENCE P	750 PLAZA DR S	MENDOTA HTS	55118
*	16941		LOCKYEAR	ROBERT	14900 61ST ST N	STILLWATER	55082
*	6917		OHMAN	JON G	1732 LONDON RD	DULUTH	55812
*	16763		OLSON	ROLAND E	5416 70TH ST W-RM 2	EDINA	55435
*	6691		OLSON	GEOFF	1380 FROST AVE	MAPLEWOOD	55109
*	30025		OSMUNDSON	MICHAEL	240 GEORGIA AVE W	MPLS	55427
*	8641		ROSS	ALFRED J	6356 WARE RD	LINO LAKES	55014
*	16835		TROSKA	GREGORY F	804 11TH ST E	GLENCOE	55336
*	6694		UNMACHT	DAVID J	420 MAIN ST E	BELLE PLAINE	56011
*	16864		VIRKUS	THERESA	1031 SIXTH ST E	DULUTH	55805
*	8508	A F L-C I O	BROMMER	BERNARD L	175 AURORA AVE	ST PAUL	55103
*	16889	ALBANY CITY OF	WEIVODA	CLYDE A		ALBANY	56307
*	36525	ALEXANDRIA CITY OF	TADDEL	JAMES	114 SEVENTH AVE W-BOX 369	ALEXANDRIA	56308
*	8605	ANOKA CITY HALL	KIRCHNER	ROBERT	2015 FIRST AVE	ANOKA	55303
*	8547	ARROWHEAD REG DEVEL COMM	POWERS	JOHN		DULUTH	55802
*	65316	ASSOC BLDRS & CONTRACTORS INC	FOTH	DANIEL D	6989 WASHINGTON AVE S-STE 200	EDINA	55435
*	8582	ASSOCIATED MOTOR CARRIERS	HALLMAN	W A	1745 UNIVERSITY AVE	ST PAUL	55104
*	9759	AUSTIN COMM COLLEGE	FLANNERY	JAMES D	1600 EIGHTH AVE NW	AUSTIN	55912
*	16972	BARR ENGINEERING CO	CREME	FRANCINE	6800 FRANCE AVE S	MPLS	55435
*	6677	BASS BROOK TOWN OF			BOX 146	COHASSET	55721
*	16863	BECHTEL POWER COMPANY	SLATER JR	JAMES E	15740 SHADY GROVE RD	GAITHERSBURG	20877
*	16854	BEMIDJI CHAMBER OF COMMERCE			BOX 806	BEMIDJI	56601
*	16853	BEMIDJI CHAMBER OF COMMERCE			BOX 850	BEMIDJI	56601
*	16706	BENNET RINGROSE WOLSFELD INC	WEBER	WILLIAM	700 THIRD ST	MPLS	55415
*	5	BENSON CITY OF	SHUKLE JR	EDWARD J	1411 PACIFIC AVE	BENSON	56215
*	16760	BENTON CO LAND USE TECH	BARTHELEMY	AL	COURTHOUSE	FOLEY	56329
*	8602	BLAINE CITY OF	JOHNSON	LESLIE M	9150 CENTRAL AVE NE	BLAINE	55434
*	16780	BLANDIN PAPER CO	LICKE	W J	115 FIRST ST SW	GRAND RAPIDS	55744

*	8455	BLOOMINGTON BLDG & INSPECT DIV	GASTERLAND	JAN P	2215 OLD SHAKOPEE RD W	BLOOMINGTON	55431
*	8454	BLOOMINGTON CITY MGRS OFFICE	MEYER	HERBERT W	2215 OLD SHAKOPEE RD W	BLOOMINGTON	55431
*	16862	BOISE CASCADE WOODLAND	BARKER	BRUCE	BOX 1152	INTL FALLS	56649
*	16618	BONNESTRO & ASSOCIATES	PFEFFERLE	ROBERT	2335 HWY 36 W	ST PAUL	55113
*	16775	BRAINERD AREA CHAMBER OF COMMERCE	FRAZIOR	DOUGLAS	SIXTH & WASHINGTON STS	BRAINERD	56401
*	16828	BRAINERD COMM DEVEL ADMIN	BREKKE JR	CURT	CITY HALL	BRAINERD	56401
*	11	BRAINERD LIGHT & WATER DEPT	SJOLUND	WALTER C	501 LAUREL ST-BOX 373	BRAINERD	56401
*	8511	BRECKENRIDGE CITY OF	CASPER	M D	420 NEBRASKA AVE	BRECKENRIDGE	56520
*	11695	BROEKER HARTFELDT HEDGES & GRANT	BROEKER	JOHN M	2850 METRO DR-STE 800	BLOOMINGTON	55429
*	16673	BROOKLYN PARK CITY OF	BERG	GARY	5800 85TH AVE N	BROOKLYN PK	55430
*	8516	BROOKLYN PARK CITY OF	DULLINGER	GIL A	5800 85TH AVE N	BROOKLYN PK	55443
*	6686	BUREAU OF NATIONAL AFFAIRS	KESSLER	MARTHA	420 FORD RD-RM 318	ST LOUIS PK	55426
*	16871	BUTLER RESEARCH & ENG CO INC	BUTLER	ROBERT S	1306 CO RD F W	ST PAUL	55112
*	17200	CARLTON COUNTY OFFICES	TURNQUIST	P JEROME	COURTHOUSE-BOX 316	CLOQUET	55720
*	16636	CARVER CO OFFICES	HARRIS	VIRGINIA	600 FOURTH ST E	CHASKA	55318
*	17266	CHAMPION INTL CORP	FLAIM	JOSEPH J	2250 WABASHA ST-BOX 43260	ST PAUL	55114
*	16724	CHANHASSEN CITY OF	MARTIN	SCOTT A	690 COULTER DR	CHANHASSEN	55317
*	803	CIRCLE PINES UTILITIES	RAPP	CRAIG R	9201 LEXINGTON AVE N	CIRCLE PINES	55014
*	36556	CLOQUET CITY OF	SCHLENVOGT	WILLIAM	508 CLOQUET AVE	CLOQUET	55720
*	16725	COLUMBIA HTS HOUSING & REDEVEL AUTH	STUTZ	TODD M	590 40TH AVE	COLUMBIA HTS	55421
*	16990	COMMONWEALTH ASSOC	TAKATS	JOSEPH	209 WASHINGTON AVE E	JACKSON	49201
*	6685	CONSULTING ENGINEERS DIVERSIFIED	JOHNSON	ZACK	7200 HEMLOCK LN N-STE 200	MAPLE GROVE	55369
*	16884	CONSULTING ENGINEERS DIVERSIFIED	SCHOENECKER	MICHAEL A	7200 HEMLOCK LANE-STE 200	MAPLE GROVE	55369
*	5261	CONTROL DATA CORP	BELAU	JANE	8100 34TH AVE S	MPLS	55440
*	10691	COOPERATIVE POWER ASSN	AMBROSE	ROBERT P	14615 LONE OAK RD	EDEN PRAIRIE	55344
*	8486	COOPERATIVE POWER ASSN	MUSSELL	ADE	14615 LONE OAK RD	EDEN PRAIRIE	55344
*	16824	COTTONWOOD CO OFFICES	GRUNIG	FARLEY	COURTHOUSE	WINDOM	56101
*	16837	DAIRYLAND POWER COOPERATIVE	DIAL	ALBERT D	BOX 817	LACROSSE	54601
*	8478	DAIRYLAND POWER COOPERATIVE	LEIFER	JOHN P	2615 EAST AVE S	LACROSSE	54601
*	8562	DAYTON HERMAN GRAHAM & GETTS	DAYTON	CHARLES K	10 FIFTH ST S-STE 930	MPLS	55402
*	4741	DAYTON HERMAN GRAHAM & GETTS	HERMAN	JOHN H	10 FIFTH ST S-STE 930	MPLS	55402
*	16934	DAYTON HERMAN GRAHAM & GETTS	PEPIN JR	RICHARD G	10 FIFTH ST S-STE 930	MPLS	55402
*	6681	DETROIT LAKES CITY OF	GRABOW	RICHARD	10225 ROOSEVELT AVE-BOX 647	DETROIT LAKES	56501
*	8470	DEVAC INC	HETMAN	FRANK W	10130 HWY 55	MPLS	55441
*	6689	DEVAC INC	MCGRATH	FRANCIS X	10130 HWY 55	MPLS	55441
*	16839	DONOHUE & ASSOCIATES	HOFF	MICHAEL	7400 METRO BLVD-STE 450	MPLS	55435
*	16905	DONOVAN COMPANIES INC	SMITH	JAMES A	1080 MONTREAL AVE	ST PAUL	55116
*	4722	DONOVAN MCCARTHY CRASSWELLR LARSN&M	CRASSWELLER	DONALD B	ALWORTH BLDG-RM 1000	DULUTH	55802
*	16742	DORSEY WINDHRST HANNAFRD WHITNY&HAL	COMSTOCK	BECKY A	220 SIXTH ST S-RM 2300	MPLS	55402
*	5263	DORSEY & WHITNEY LIBRARY			2200 FIRST BANK PL E	MPLS	55402
*	16719	DULUTH CHAMBER OF COMMERCE	RAIMO	DAVID A	325 HARBOR DR	DULUTH	55802
*	16754	DULUTH CITY OF	NELSON	DOUGLAS	CITY HALL-RM 409	DULUTH	55802
*	8676	DULUTH COMM HEALTH SERV	ROWE	BRUCE T	325 LAKE AVE S-STE 604	DULUTH	55802
*	16663	E W A INC	NGO	VIET	12800 INDUS PK BLVD	PLYMOUTH	55441
*	2286	EAGAN BLDG INSPEC DEPT	PETERSON	DALE S	3795 PILOT KNOB RD-BOX 21 199	EAGAN	55121
*	36557	EAGAN CITY OF	HEDGES	THOMAS L	3830 PILOT KNOB RD	EAGAN	55123
*	16643	EDEN PRAIRIE CITY OF	ENGER	CHRIS	8950 EDEN PRAIRIE RD	EDEN PRAIRIE	55344
*	16674	EDINA CHAMBER OF COMMERCE	BODINE	VIRGINIA	5200 73RD ST W	EDINA	55435
*	9861	EDINA COMMUNITY ED	BRANNON	ROD	5701 NORMANDALE RD	MPLS	55424
*	16935	ENRIGHT & ASSOC	EDMAN	JOHN F	220 ROBERT ST S	ST PAUL	55107
*	16952	EXPERIENCE INC	PIETRUS	JOSEPH T	527 MARQUETTE AVE-RM 1930	MPLS	55402
*	16965	FABYANSKE SUOBODA & WESTRA	WESTRA	MARK	400 ROBERT ST N-RM 100	ST PAUL	55101
*	16703	FARIBAULT AREA CHAMBER OF COMMERCE	HERING	DIANA	228 CENTRAL AVE-BOX 434	FARIBAULT	55021
*	16890	FERGUS FALLS CHAMBER OF COMMERCE	WIEBER	STANLEY	202 COURT ST S-BOX 724	FERGUS FALLS	56537
*	8521	FORSBERG AGRIC SERV	FORSBERG	WINFIELD	518 SUMMIT AVE	NEW ULM	56073
*	60688	FRIDLEY CITY OF	DEBLON	WILLIAM S	6431 UNIVERSITY AVE NE	FRIDLEY	55432
*	12455	FRUNDT FRUNDT & JOHNSON			117 FIFTH ST W-BOX 95	BLUE EARTH	56013
*	8584	GENERAL MILLS INC	TAYLOR	WILLIAM T	BOX 1113	MPLS	55440
*	8549	GOLDEN VALLEY CITY OF	BECKER	LLOYD G	7800 GOLDEN VALLEY RD	GOLDEN VALLEY	55427
*	16620	GRAND MARAIS CITY OF	KENNEDY	TIMOTHY	COURTHOUSE	GRAND MARAIS	55604
*	16786	GRAND RAPIDS CHAMBER OF COMMERCE			WELCOME HOUSE	GRAND RAPIDS	55744
*	16716	GRANITE FALLS AVTI	HAWK	JACK	HWY 212 W	GRANITE FALLS	56241
*	16687	GRAVEN & ASSOCIATES			9800 ANN LN	MINNETONKA	55343
*	16915	GREATER DULUTH COACT	FURE	ERIC	2904 THIRD ST W	DULUTH	55806
*	16743	HAMLINE UNIV SCHOOL OF LAW	ROBERTS	MARILYNNE K	1536 HEWITT AVE	ST PAUL	55104
*	5281	HASTINGS CITY OF	GERLOCK	FRANK	100 SIBLEY ST	HASTINGS	55033

*	59166	HEADWATERS REGIONAL DEVEL COMM	OSTREM	JOHN	722 15TH ST NW-BOX 906	BEMIDJI	56601
*	8560	HENKEL CORP	DAILEY	THOMAS M	7900 78TH S J	MPLS	55435
*	10562	HE PIN CO ENVIRON & ENERGY C ICE	NELSON	LUTHER D	HENNEPIN CO GOVERNMENT CTR	MPLS	55487
*	8465	HENNEPIN CO OFFICES	LEE	A J	300 SIXTH ST S-RM A2307	MPLS	55487
*	8460	HENNEPIN CO OFFICES	MCMILLAN	JOHN G	300 SIXTH ST S-RM A2208	MPLS	55487
*	5433	HENNEPIN CO PUBLIC WORKS	WINTER	DAVID G	320 WASHINGTON AVE S	HOPKINS	55343
*	16831	HENNINGSON DURHAM & RICHARDSON	MCMICHAEL	DALE	5401 GAMBLE DR-RM 300	MPLS	55416
*	36538	HERMANTOWN CITY OF	RUTH	HELMER A	3161 MAPLE GROVE RD	HERMANTOWN	55811
*	16781	HESSIAN MCKASY & SODERBERG	SODERBERG	HAROLD J	IDS CTR-STE 4700	MPLS	55402
*	6166	HILL ASSOCIATION	HILL	JAMES R	8200 HUMBOLDT AVE S	BLOOMINGTON	55431
*	8661	HONEYWELL INC	VIITALA	W C	HONEYWELL PLAZA-BOX 524	MPLS	55440
*	16886	HOPKINS ENVIRONMENT & ENERGY DEPT	LIE	GREGORY B	320 WASHINGTON AVE S	HOPKINS	55343
*	9485	HORMEL & CO	HAHN	DOUGLAS	BOX 800	AUSTIN	55912
*	11596	HOUSTON CO OFFICES	FRANK	RICHARD	COURTHOUSE	CALEDONIA	55921
*	8464	HUBER LTD	HUBER	PAUL	1821 UNIVERSITY AVE	ST PAUL	55104
*	4654	IND SCHOOL DIST 623	VANDERWALL	JAN	1251 CO RD B2 W	ROSEVILLE	55113
*	16767	INTERSTATE POWER CO	CORDES	AL D	1000 MAIN ST	DUBUQUE	52001
*	16731	INVER HILLS COMM COLLEGE	MITCHELL	RUSTY	8445 COLLEGE TR	INVER GROVE HTS	55075
*	16975	ISBERG & ASSOC	ISBERG	GUNNAR	BOX 115	NORTHFIELD	55057
*	6693	JANESVILLE CITY OF	TRAHMS	CINDI JO	219 MAIN ST N	JANESVILLE	56048
*	16984	JENOS INC	STROBEL	JACK C	100 LIVE OAK GARDENS-BOX 200	CASSELBERRY	32707
*	8574	JOHNSON FREDIN KILLEN THIBODEAU&SEI	FREDIN	CONRAD M	NORWEST CTR-RM 811	DULUTH	55802
*	16712	KLEINSCHMIDT & WEBBER INC	WEBBER	ROBERT	4240 FIFTH ST	WINONA	55987
*	36663	LACRESCENT CITY OF	JILK	STEPHAN	315 MAIN ST	LACRESCENT	55947
*	8573	LAKE SUPERIOR INDUSTRIAL BUREAU	FRANCE	ALFRED E	NORWEST CTR-RM 828	DULUTH	55802
*	10030	LAKEWOOD COMM COLLEGE	WISCHMANN	ROBERT	3401 CENTURY AVE N	WHITE BEAR LK	55110
*	16991	LEFEUERE LAW FIRM	STRAND	JEFFREY J	120 SIXTH ST S-RM 2000	MPLS	55402
*	6688	LEHMANN & ASSOC INC	LEHMANN	ERNEST K	1409 WILLOW ST-RM 300	MPLS	55403
*	8480	LEVANDER GILLEN MILLER & MAGNUSON	MILLER	ROGER C	633 CONCORD ST-RM 402-BOX 298	S ST PAUL	55075
*	8600	LUTHERAN SOCIAL SERVICE	JOHNSON	GORDON	2414 PARK AVE	MPLS	55404
*	16974	LUVERNE CITY OF	GUHIN	MARY	203 MAIN ST E	LUVERNE	56156
*	65315	LYMAN BLUEPRINT THE	JANICKE	JUDY	BOX 40	EXCELSIOR	55331
*	16696	MANKATO AREA CHAMBER OF COMMERCE			BOX 999	MANKATO	56001
*	6690	MANKATO COMM DEVEL OFFICE	MELENA	THOMAS	202 JACKSON ST E	MANKATO	56001
*	60188	MANKATO STATE UNIV	JACK	JAMES	BOX 36	MANKATO	56001
*	16793	METRO COUNCIL	MICHAND	CARL	121 SEVENTH ST E-RM 300	ST PAUL	55101
*	16971	METRO COUNCIL	RUTFORD	JOHN	121 SEVENTH ST E	ST PAUL	55101
*	16848	METRO MUNICIPAL ASSN	PETERSON	VERNON	183 UNIVERSITY AVE E	ST PAUL	55101
*	61113	MICHAUD COOLEY ERICKSON & ASSOC INC	HARTRANFT	FRANK F	625 FOURTH AVE S-STE 1325	MPLS	55415
*	16708	MILACA CITY OF	HESTER	RALPH K	145 CENTRAL AVE S	MILACA	56353
*	16761	MINN ATTORNEY GEN OFC-ANTITRUST DIV	CATANIA	THOMAS F	117 UNIV AVE-SECOND FLR	ST PAUL	55155
*	8513	MINN AUTO DEALERS ASSN	CLAESON JR	LOUIS W	277 UNIVERSITY AVE	ST PAUL	55103
*	16648	MINN BOARD OF AGING	ORSELLO	JEAN	121 SEVENTH ST E-RM 204	ST PAUL	55101
*	16962	MINN COACT-LEGAL SERV ADVOC PROJ	OSTERUD	DRU	60 FOURTH ST E-RM 300	ST PAUL	55101
*	8625	MINN COMMERCE & INDUSTRY ASSN OF	OCONNELL	RAYMOND E	480 CEDAR ST-RM 300	ST PAUL	55109
*	8651	MINN COOPERATIVES ASSN OF	SLETTOM	EDWARD E	480 CEDAR ST-RM 380	ST PAUL	55101
*	8649	MINN COUNTIES ASSN OF	SHIPMAN	JAMES C	555 PARK ST-STE 300	ST PAUL	55103
*	8586	MINN DEPT OF ADMIN	HALE	SANDRA J	50 SHERBURNE AVE-RM 200	ST PAUL	55155
*	16762	MINN DEPT OF AGRICULTURE	HEIL	GERALD	90 PLATO BLVD W	ST PAUL	55107
*	16803	MINN DEPT OF HEALTH-COMM DEVEL			717 DELAWARE ST SE	MPLS	55440
*	16647	MINN DEPT OF HEALTH-COMM DEVEL OFF	SKUBIC	MARK	717 DELAWARE ST SE	MPLS	55440
*	6684	MINN DEPT OF REVENUE	HANSON	DOROTHY M	CENTENNIAL BLDG	ST PAUL	55145
*	16876	MINN DEPT OF TRANS-DRIVER&SERV	SWANSON	MARLENE	JOHN IRELAND BLVD-RM 161	ST PAUL	55155
*	6692	MINN GOVERMENT REPORT	DAWSON	JEAN	STATE CAPITAL BLDG-PRESS RM B2	ST PAUL	55155
*	16894	MINN HOUSING FINANCE AGENCY	SOLEM	JAMES	400 SIBLEY ST-STE 300	ST PAUL	55101
*	4742	MINN LEGIS AUDITOR	BAUMGARTEN	ALLAN	VETERANS SERVICE BLDG-RM 122	ST PAUL	55155
*	8502	MINN LEGIS COMM TO REVIEW ADMIN RUL	HRUBY	MARYANNE V	STATE OFFICE BLDG-RM 55	ST PAUL	55155
*	4651	MINN MULTI HOUSING ASSN	HORNER	JOHN	3100 LAKE ST W	MPLS	55416
*	8015	MINN PETROLEUM COUNCIL	BUNGE	DARREL	386 WABASHA ST N-RM 1025	ST PAUL	55102
*	16650	MINN PLANT FOOD & CHEM ASSN	SALLSTROM	CRAIG	1821 UNIVERSITY AVE-RM 253	ST PAUL	55104
*	10133	MINN POLLUTION CONTROL AGENCY	GARDENBRING	SANDRA S	1935 CO RD B2 W	ROSEVILLE	55113
*	8646	MINN POLLUTION CONTROL AGENCY	SCHADE	BARRY C	1935 CO RD B2 W	ROSEVILLE	55113
*	8671	MINN POWER CO	DEBEIR	ELAINE	30 SUPERIOR ST W	DULUTH	55802
*	16683	MINN POWER CO	HANSMEYER	LEN	30 SUPERIOR ST W	DULUTH	55802
*	8538	MINN POWER CO	ROBERTS	JAMES A	30 SUPERIOR ST W	DULUTH	55802
*	16978	MINN PROJECT-S E OFFICE	KEMP	LONI	BOX 4	PRESTON	55965

*	7390	MINN PUBLIC INTEREST RESEARCH GROUP	GOSTOVICH	JOHN	2412 UNIVERSITY AVE SE	MPLS	55414
*	16669	MINN RETAIL MERCHANTS ASSN	MORRIS	RANDY	121 SEVENTH ST E-STE 180	ST PAUL	55101
*	8505	MINN RURAL ELECTRIC ASSN	BARNIER	LEON	4901 77TH ST W	MPLS	55435
*	8568	MINN SERVICE STATION ASSN	ETTESVOLD	BRIAN	2700 RICE ST	ST PAUL	55113
*	12760	MINN STATE UNIV SYSTEM	STANTON	MARY E	555 PARK ST-STE 230	ST PAUL	55105
*	16817	MINN TOWNSHIPS ASSN OF	FRICKE	DAVID	BOX 246	ST MICHAEL	55376
*	8640	MINN TRANSPORT SERV ASSN	ROSENTHAL	ABE	1821 UNIVERSITY AVE-RM 310N	ST PAUL	55104
*	16858	MINN VOLUNTARY SOC SERV ASSN OF	KAUFMAN	BARBARA W	1821 UNIVERSITY AVE-RM 141S	ST PAUL	55104
*	800	MINNEGASCO			201 SEVENTH ST S	MPLS	55402
*	16951	MINNEGASCO	KOMAREK	LUKE R	201 SEVENTH ST S	MPLS	55402
*	65725	MINNEGASCO	LAMPERT	JOHN H	700 LINDEN AVE W	MPLS	55403
*	16721	MONTEVIDEO CITY OF	BIFOSS	R BEN	BOX 676	MONTEVIDEO	56265
*	16728	MONTICELLO CITY OF	ELDEM	THOMAS	250 BROADWAY ST E	MONTICELLO	55362
*	8459	MOSS FLAHERTY CLARKSON & FLETCHER	AHERN	MICHAEL J	200 SIXTH ST S-STE 1200	MPLS	55402
*	8617	MOSTCA INC	AICHINGER	CLIFF	2225 WHITE BEAR AVE	MAPLEWOOD	55109
*	16795	MPLS ADMIN HEARING OFFICE	RUHLE	SAM	310 FOURTH AVE-RM 400	MPLS	55415
*	8536	MPLS BLDG OWNERS & MGRS ASSN	OLOFSON	ARTHUR W	105 FIFTH ST S-RM 927	MPLS	55402
*	16829	MPLS CITY COORDINATORS OFFICE	MEININGER	PHILIP G	350 FIFTH ST S-RM 210	MPLS	55415
*	16705	MPLS PUBLIC LIBRARY-ENVIRON CONSERV			300 NICOLLET MALL	MPLS	55401
*	16642	N A H R O-MINN CHAPTER	KEMP	WILLIAM A	14 FIFTH ST S-STE 300	ST CLOUD	56301
*	8667	N E C A	FRISON	FRANK	200 ROBERT ST S-RM 305	ST PAUL	55107
*	10211	N S P	HAIK	RAYMOND A	414 NICOLLET MALL	MPLS	55401
*	4723	NATIONAL HOMES MFG CO	PETTRY	SHELBY	BOX 7680	LAFAYETTE	47903
*	8591	NATIONAL SOCIAL WORKERS ASSN	INGRAM	ALAN W	614 PORTLAND AVE	ST PAUL	55102
*	16697	NEW HOPE CITY OF	DONAHUE	DANIEL J	4401 XYLON AVE N	NEW HOPE	55428
*	8482	NORTHERN STATES POWER	BIZZANO JR	JOSEPH D	414 NICOLLET MALL	MPLS	55401
*	8663	NORTHERN STATES POWER	WELK	G V	414 NICOLLET MALL	MPLS	55401
*	16764	NORTHERN STATES POWER CO	WIETECKI	KEITH H	414 NICOLLET MALL	MPLS	55403
*	16987	NORTHERN SUN ALLIANCE	FIELDSETH	HENRY	1519 FRANKLIN AVE E	MPLS	55404
*	16666	NORTHFIELD CITY OF	MARONEY	DAVID	801 WASHINGTON ST	NORTHFIELD	55057
*	60405	NORTHWEST REG DEVEL COMM	JORGENS	THOMAS	425 WOODLAND AVE	CROOKSTON	56716
*	8539	NORTHWEST REG DEVEL COMM	SCHARMER	PAT	425 WOODLAND AVE	CROOKSTON	56716
*	16822	OLMSTED CO PLANNING DEPT	MOORE	THOMAS O	1421 THIRD AVE SE	ROCHESTER	55901
*	8619	OTTERTAIL POWER CO	MYSTER	JAY D	215 CASCADE ST S	FERGUS FALLS	56537
*	88	OWATONNA PUBLIC UTILITIES	MARTIN	DAVID M	208 WALNUT AVE S-BOX 800	OWATONNA	55060
*	16988	PEOPLES NAT GAS CO	HAUBENSAK	RICHARD	25 MAIN PLACE	COUNCIL BLUFFS	51501
*	8628	PHILLIPS LEGISLATIVE SERVICE INC	PHILLIPS	WILLIAM L	459 RICE ST	ST PAUL	55103
*	4672	PILLSBURY CO	SMITH	CARL A	200 SIXTH ST S	MPLS	55402
*	16960	PLANNING & DEVEL CONST	REICHERT	ROBERT J	ALWORTH BLDG-RM 505	DULUTH	55802
*	8674	POPHAM HAIK SCHNOBRICH KAUFMN&DOTY	BURK	ROBERT S	80 EIGHTH ST S-RM 4344	MPLS	55402
*	8599	POPHAM HAIK SCHNOBRICH KAUFMN&DOTY	JOHNSON	G ROBERT	80 EIGHTH ST S-RM 4344	MPLS	55402
*	16807	PROJECT ENVIRONMENT FOUNDATION			2929 FOURTH AVE S	MPLS	55408
*	8635	Q S S INC	KROEGER	CHARLES	BOX 838	FARIBAULT	55021
*	8448	RAMSEY CO COMM BOARD	KARON	JUDY	COURTHOUSE-STE 316	ST PAUL	55102
*	16893	REGION EIGHT REG DEVEL COMM	PERKINS	STEVEN L	214 SECOND ST NW	PIPESTONE	56164
*	42736	REGION FIVE REG DEVEL COMM	KNOSALLA	LARRY	611 IOWA AVE	STAPLES	56479
*	4639	REGION NINE REG DEVEL COMM	WALDRON	CRAIG	410 FIFTH ST S-BOX 3367	MANKATO	56001
*	1786	REGION SIX EAST REG DEVEL COMM	HIPPE	H EUGENE	311 SIXTH ST W	WILLMAR	56201
*	16810	RICHFIELD CITY OF	JOPKE	RICHARD	6700 PORTLAND AVE	RICHFIELD	55423
*	1088	RIEKE CARROLL MULLER ASSOC	HENNEMUTH	WILLIAM H	1011 FIRST ST S-BOX 130	HOPKINS	55343
*	11999	ROCHESTER BLDG & SAFETY DEPT	SATHER	GORDON I	1605 CASCADE ST NW	ROCHESTER	55901
*	16637	ROCHESTER CHAMBER OF COMMERCE	WELTY	LLOYD	212 FIRST ST SW	ROCHESTER	55902
*	16661	ROSEVILLE CITY OF	ANDRE	JAMES	2024 CLEVELAND AVE N	ROSEVILLE	55113
*	16682	SALO INC	SALO	JACK D	15 FIRST ST E	DULUTH	55802
*	6678	SCOTT CO HOUSING & REDEVEL AUTH			16049 FRANKLIN TR SE-RM 104	PRIOR LAKE	55372
*	16662	SOUTH ST PAUL CHAMBER OF COMMERCE	OLSEN	RICHARD A	LIVESTOCK EXCH BLDG-RM 217	S ST PAUL	55075
*	10681	SOUTHERN MINN MUNI POWER AGENCY	LANDWEHR	MARY ELLEN	21 FIRST ST SW-STE 400	ROCHESTER	55902
*	16880	SOUTHERN MINN REG LEGAL SERVICES	LANSDOWNE	PETER	MEDICAL ARTS BLDG-RM 310	ALBERT LEA	56007
*	60067	SOUTHWEST REG DEVEL COMM	SHORTEN	BRIAN	2524 BROADWAY AVE-BOX 265	SLAYTON	56172
*	10789	ST CLOUD AREA CHAMBER OF COMMERCE	CARLSON	GLENN	20 FOURTH AVE S-BOX 487	ST CLOUD	56302
*	16641	ST CLOUD STATE UNIV	BIXBY	ROBERT	STEWARD HALL-RM 301	ST CLOUD	56301
*	16640	ST LOUIS CO PLANNING & ZONING OFF	JOHNSON	MARK	COURTHOUSE	DULUTH	55802
*	8675	ST LOUIS PARK CITY OF	THIBAULT	WILLIAM	5005 MINNETONKA BLVD	ST LOUIS PK	55416
*	8518	ST PAUL CITY OF	ERICKSON	GLENN A	25 FOURTH ST W-RM 445	ST PAUL	55102
*	8565	ST PAUL PORT AUTHORITY	DZUGAN	KENNETH	25 FOURTH ST W-STE 1305	ST PAUL	55102
*	7005	ST PAUL PUBLIC HOUSING AUTHORITY	HARJU	RUSS	419 ROBERT ST N-RM 380	ST PAUL	55101

*	5254	ST PAUL T V I	MUCKENHIRN	FRANK A	235 MARSHALL ST	ST PAUL	55102
*	65319	STATE SERV GROUP	SAHAGUN	BETSY L	1015 15TH S NW	WASHINGTON	20005
*	16840	ST[illegible]NS CO OFFICES	HOPKE	KENNETH	BOX 604	ST CLOUD	56301
*	16896	SUBURBAN ENGINEERING INC	PRICE	WILLIAM	12350 RIVER RIDGE BLVD	BURNSVILLE	55337
*	5565	SUN CONTROL PRODUCTS	KLAMPE	E J	431 FOURTH AVE SE	ROCHESTER	55904
*	16852	THIEF RIVER FALLS CITY OF	QUINLIVAN	JOHN	CITY HALL-BOX 528	THIEF RIVER FLS	56701
*	8461	TRI COUNTY COMM ACTION PROG	SEXTON	MARK G	404 SECOND AVE NE	LITTLE FALLS	56345
*	5885	TROMMALD CITY OF			RT 3-BOX 160	CROSBY	56441
*	8653	U OF M	SNYDER	ROBERT W	1994 BUFORD AVE-RM 248C	ST PAUL	55108
*	16787	U OF M-DULUTH POLITICAL SCIENCE DEP	OLSEN	DR DALE	HOME EC BLDG-RM 242	DULUTH	55812
*	16806	U OF M-FORESTRY DEPT	LEWIS	BERNARD J	GREEN HALL-RM 10	ST PAUL	55108
*	16811	U OF M-GEOLOGY DEPT	GREEN	JOHN C	10550 OLD NORTH SHORE RD	DULUTH	55812
*	16777	U OF M-SCHL OF BUSINESS & ECON	IRELAND	DR DONALD W		DULUTH	55812
*	8545	U S DEPT OF AG-FARMERS HOME ADM	BJORHUS	RUSS	316 ROBERT ST N-RM 252	ST PAUL	55101
*	16872	U S DEPT OF COMMERCE	MATSON	GLENN A	110 FOURTH ST S-RM 108	MPLS	55401
*	16922	U S DEPT OF INTERIOR-FISH &WILDLIFE	SMITH	JAMES L	333 SIBLEY ST-RM 570	ST PAUL	55101
*	16928	U S HOUSING & URBAN DEVEL	OLSON	ROGER	220 SECOND ST S	MPLS	55401
*	452	UNION OIL OF CALIFORNIA			1650 GOLF RD E	SCHAUMBURG	60196
*	121	UNITED POWER ASSN	HAUSCHULZ	BRUCE		ELK RIVER	55330
*	8673	UNITED POWER ASSN	RAHKO	REYNOLD S	HWY 10 E	ELK RIVER	55330
*	16739	UPPER MINN VALLEY REG DEVEL COMM	SCHMID	OTTO	323 SCHLIEMAN AVE W	APPLETON	56208
*	6687	VAN DOREN HAZARD STALLINGS	KOEGLER	MARK	3030 HARBOR LN N-STE 104	PLYMOUTH	55441
*	16741	WADENA AVTI	KINN	PAUL D	405 COLFAX AVE SW-BOX 566	WADENA	56482
*	16658	WASHINGTON CO PLANNING DEPT	ODONNELL	DENNIS	14900 61ST ST N	STILLWATER	55082
*	16913	WATERVILLE CITY OF	HANSEN	LAWRENCE D	BOX 9	WATERVILLE	56096
*	8637	WEST CENTRAL COMM SERV CTR INC	REARDON	HELEN J	1125 SIXTH ST SE-BOX 787	WILLMAR	56201
*	6679	WEST CENTRAL INDUS IMPROVEMENT CORP			STEVENS CO COURTHOUSE	MORRIS	56267
*	8660	WHITE BEAR LAKE CITY OF			1281 HAMMOND RD	WHITE BEAR LK	55110
*	8474	WHITE EARTH RESERVATION	LANZ	JOHN	BOX 418	WHITE EARTH	56591
*	91	WHYT WATER HEATERS	LANNES	ERIC	BOX 60129	RENO	89506
*	16785	WILLMAR AVTI	WILDE	DENNIS L	BOX 1097	WILLMAR	56201
*	8588	WILLMAR CITY OF	HOGLUND	RICHARD C	333 SIXTH ST SW-BOX 755	WILLMAR	56201
*	16652	WINONA CITY HALL	MOCOL	DAVID L	FOURTH & LAFAYETTE ST-BOX 378	WINONA	55987
*	66324	WINTHROP WEINSTINE & SEXTON	KNAPP	JOHN A	444 CEDAR ST-STE 1800	ST PAUL	55101
*	16898	WOODBURY CITY OF	PICHA	DWIGHT W	2100 RADIO DR	WOODBURY	55125
*	16710	YAGGY ASSOCIATES			717 THIRD AVE SE	ROCHESTER	55904
*	16980	YELLOW MEDICINE PLANNING OFFICE	HOLIEN	JERRY	BOX 675	CLARKFIELD	56223
*	16943	ZENK ENGINEERING	READ	LARRY A	BOX 689	ALBERT LEA	56007
*	16660	3 M COMPANY	LANGLOIS	WILLIAM J	2501 HUDSON RD-BOX 225 2N06	ST PAUL	55144

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Energy and Economic Development Department
Energy and Economic Development Authority

Proposed Rules Relating to Health Care Equipment Loan Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority (hereinafter "the Authority") proposes to adopt the above entitled rules without a public hearing. The Authority 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, Sec. 14.21 to Sec. 14.28.

Authority for the adoption of these rules governing health care equipment loans is contained in Minnesota Statutes 116M.08, Subdivision 4 (1984) and Minn. Stat. 116M.07, Subd. 7c (1985 Supp.) 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. Kultala upon request at the address below. The Statement of Need and Reasonableness also may be reviewed by the public during regular business hours by contacting Ms. Kultala.

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 Authority 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. If a public hearing is required, the Authority will proceed pursuant to Minn. Stat., Sec. 14.131 to 14.20.

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. Kultala.

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 who wish

to submit comments, a written request for a public hearing or a request to be informed when the rules are submitted to the Attorney General should submit such comments or requests to:

Debra J. Kultala
Financial Management Division
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-4337

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

Rules as Proposed (all new material)

8300.3200 SCOPE AND AUTHORITY.

Parts 8300.3200 to 8300.3204 apply to applications for loans for health care equipment made to the authority under Minnesota Statutes, section 116M.07, subdivision 7a.

8300.3201 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 8300.3200 to 8300.3204, the following terms have the meanings given to them.

Subp. 2. **Application fees.** "Application fees" means the fee charged by the authority, in connection with an application for program funds, based on the actual direct cost of processing the application and servicing loans by the commissioner and the commissioner of health. The application fee is two-fifths of one percent of the program funds requested in applications received during any calendar quarter established by part 8300.3204, subpart 1, and shall be paid in accordance with part 8300.3204, subpart 6.

Subp. 3. **Authority.** "Authority" means the Minnesota Energy and Economic Development Authority created in Minnesota Statutes, section 116M.06.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Energy and Economic Development or a designee.

Subp. 5. **Program funds.** "Program funds" means the money for loans made available from the sale of bonds or notes as set forth in the indenture adopted by the Minnesota Energy and Economic Development Authority pursuant to Minnesota Statutes, section 116M.07, subdivision 7b.

Subp. 6. **Project.** "Project" means all functionally related equipment and all associated costs including application fees; bond issuance costs; underwriting or placement fees; trustee fees; bond insurance; fees of guarantor, insurer, or financial institution other than the authority who provides letter of credit, surety bonds, or equivalent security; legal fees, including those of the authority's bond counsel; and debt service reserve fund.

8300.3202 ELIGIBLE PROJECT FOR PROGRAM FUNDS.

To be eligible for program funds, an application must meet the criteria outlined in Minnesota Statutes, section 116M.07, subdivision 7c, and part 4647.0200, subpart 3.

8300.3203 PROCEDURES FOR HEALTH CARE EQUIPMENT LOAN APPLICATIONS.

Subpart 1. **In general.** To apply for assistance from the authority, an applicant shall submit two completed application forms to the commissioner on a form provided by the commissioner. An application must be completed, dated, and signed by an authorized officer of an applicant and include certification of bond insurance issued by a private insurer as required by Minnesota Statutes, section 116M.07, subdivision 7b.

Subp. 2. **Contents.** Applications must include the amount of the requested loan and information necessary for approval by the commissioner of health pursuant to Minnesota Statutes, section 116M.07, subdivision 7c, and parts 4647.0100 to 4647.0400.

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.

8300.3204 PROCEDURES FOR APPLICATION PROCESSING.

Subpart 1. **Deadline for submission.** Applications for program funds will be processed on a quarterly basis. Applicants shall submit completed application forms by February 1, May 1, August 1, or November 1 to receive consideration or priority under part 4647.0300 in the respective quarter. If an application is received after the quarterly application deadline, it shall be forwarded to the commissioner of health.

Subp. 2. **Review by Department of Health.** When an application is received by the commissioner, a copy of the application will be sent to the commissioner of health for review. Upon receipt of the notification from the commissioner of health that the application or a project within an application has been approved, the commissioner will follow the procedure under subpart 3 or 4.

Subp. 3. **Review and approval.** The authority may not approve an application, or a project within an application, nor make a loan to an applicant unless the application or project within an application has been approved by the commissioner of health. If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution approving the application or project and make the loan if sufficient program funds are available and bond insurance is issued by a private insurer.

Subp. 4. **Authority review and rejection.** If the commissioner of health has approved an application or project within an application, the authority shall pass a resolution rejecting the application or project, and notify the applicant of the rejection, only if the authority finds that there are insufficient program funds available or that bond insurance required to be issued by a private insurer is not available.

Subp. 5. **Loan agreement and disbursement.** Upon approval of an application or project within an application by the authority, the commissioner shall send a loan agreement to the applicant. The applicant shall have a duly authorized officer execute and return the executed loan agreement to the commissioner. The program funds approved by the authority for an applicant will be disbursed upon execution of and according to the terms of the loan agreement and the health care equipment program indenture.

Subp. 6. **Payment of application fee.** The application fee established pursuant to part 8300.3201, subpart 5, shall be paid by the trustee specified in the health care equipment loan indenture on a quarterly basis no later than at the time of disbursement.

Subp. 7. **Preparation of documents.** The commissioner has the authority and responsibility to prepare or cause to be prepared all necessary documents and to execute them on behalf of the authority.

Department of Health

Proposed Rules Relating to Health Care Equipment Loan Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Health proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Health 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, section 14.21. The proposed rules set forth the criteria, timeframe and procedure the Commissioner of Health will use to review health care equipment loan applications and notify the Commissioner of Energy and Economic Development of approved applications.

Persons interested in these rules shall have 30 days to submit comments in support of or opposition to the rules. 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.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.41, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Tom Hiendlmayr, Health Economics Program, Office of Health Systems Development, Department of Health, 717 Delaware St. SE, Minneapolis, Minnesota 55414, 612/623-5185. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minn. Laws 1985, 1st Spec. Sess., Ch. 14, Art. 8, Sec. 7(c). Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

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

MEEDA RESOLUTION NO. 85-499
MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY
STATE OF MINNESOTA
ST. PAUL, MINNESOTA

In the Matter of the Proposed Adoption of Noncontroversial Rules of the Minnesota Energy and Economic Development Authority Governing the Health Care Equipment Loan Program

Certificate of the Authority's Authorizing Resolution to Adopt Noncontroversial Rules

I, David Printy, do hereby certify that I am a member and the Secretary of the Minnesota Energy and Economic Development Authority, an authority 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 30th day of December, 1985, 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 proposed rules governing the Health Care Equipment Loan Program be and hereby are approved and adopted pursuant to the authority vested in me by Minnesota Statutes, Section 116M.07, Subdivision 7c (1985 Supp.), and Minnesota Statutes, Section 116M.08, Subdivision 4 (1984), and that Mark B. Dayton, Chairman of the Minnesota Energy and Economic Development Authority, David Printy, Secretary and David L. Printy, Secretary, be and hereby are authorized to sign an order adopting these rules and further are 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 30th day of December, 1985.

David Printy, Secretary
Minnesota Energy and Economic
Development Authority

Member of the Authority

STATE OF MINNESOTA
MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

In the matter of the Proposed Rules Governing the Health Care Equipment Loan Program

Statement of Need and Reasonableness

The Minnesota Energy and Economic Development Authority (hereinafter, the "Authority") presents herein facts and justifications establishing the need for and reasonableness of its proposed rules governing the Health Care Equipment Loan Program.

8300.3200 Scope and Authority.

This section delineates the scope of parts 8300.3200 to 8300.3204 for loan applications to the authority for health care equipment pursuant to Minnesota Statutes, section 116M.07, subdivision 7a. The authority for adopting permanent rules for the health care equipment loan program is found at Minnesota Statutes, section 116M.07, subdivision 7c.

8300.3201 Definitions.

Subpart 1. Scope. It is necessary to delineate the scope of the terms defined in the definition section to parts 8300.3200 to 8300.3204.

Subpart 2. Application fees. It is reasonable to provide a definition for this term to clarify that the application fees charged by the authority are to cover the actual direct costs of processing the application and servicing the loans by the commissioner of energy and economic development and by the

commissioner of health. It is also reasonable to state how the application fee for a given application is determined and how it shall be paid. The application fee has been reviewed by the commissioner of finance. (see Attachment I.)

Subpart 3. Authority. It is necessary to provide a definition for this term so that applicants understand the reference when made within the body of the rules. It is reasonable to provide the statutory citation to the creation of the authority for clarity as well as a reference for the source of the powers and duties of the authority.

Subpart 4. Commissioner. It is necessary to define this term so that applicants understand that the reference, when made in the body of the rules, applies to the commissioner of the department of energy and economic development or a designee.

Subpart 5. Program Funds. It is reasonable to define this term so that applicants understand the meaning of the term, the source of the funds, and the statutory section which authorizes the same.

Subpart 6. Project. It is necessary and reasonable to define this term so that applicants know the type of expenses that are eligible for funding through the loan program.

8300.3202 Eligible Project for Program Funds.

It is necessary and reasonable to state that an application must meet certain criteria to be eligible for program funds as well as to indicate where the criteria can be found by referencing the applicable statutes and agency rules. It

is necessary to make reference to the rules of the department of health because an application must be reviewed by the department of health.

8300.3203 Procedures for Health Care Equipment Loan Applications.

It is necessary and reasonable to provide direction to an interested applicant on the procedure for making a loan application and to inform interested applicants of certain minimum requirements for the application process.

8300.3204 Procedures for Application Processing.

In general, it is necessary and reasonable to provide information to applicants about the procedures for application processing. It is necessary and reasonable to set forth procedures for the processing of applications to ensure uniform and consistent application.

Subpart 1. Deadline for submission. It is necessary and reasonable to inform applicants of the quarterly deadlines for submission of applications so that applicants wishing to receive consideration or priority in a particular quarter may do so. Quarterly deadlines for submission of applications are utilized to process applications because they provide a workable timeframe for determining whether allocations are available pursuant to Minnesota Statutes, section 116M.07, subdivision 7c(c) (1985 Supp.)

Subpart 2. Review by Department of Health. It is necessary and reasonable to set forth the process of review of an application by the department of health.

Subpart 3. Review and approval. It is necessary and reasonable to set forth the process for review and approval of an application once an application or

project has been approved by the department of health. It is also necessary and reasonable to require that approval of an application is contingent upon sufficient program funds and the provision of bond insurance by a private insurer.

Subpart 4. Authority review and rejection. It is necessary and reasonable to set forth the basis upon which the authority may reject an application and the manner in which an applicant is so notified.

Subpart 5. Loan agreement and disbursement. It is necessary and reasonable to set forth the procedure for completion of a loan agreement by an approved applicant and the disbursement of the programs funds. It is also necessary to state that the disbursement of funds is made in accordance with the terms of the loan agreement and the health care equipment program indenture.

Subpart 6. Payment of application fee. It is necessary to state the payment date for the payment of an application fee. The authority for requiring an application fee is in Minnesota Statutes, section 116M.07, subdivision 7c(c).

Subpart 7. Preparation of documents. It is necessary to designate that the commissioner has the authority and responsibility to prepare documents for the health care equipment loan program and to execute them on behalf of the authority.

ATTACHMENT I

MINNESOTA Department of Energy and Economic Development

Financial Management Division
Energy Finance (612) 297-1332
Business Finance (612) 297-3547

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

M E M O R A N D U M

DATE: November 26, 1985

TO: Terence Pohlkamp
Director

FROM: Edward J. Meyer, Jr.
Deputy Commissioner

SUBJECT: MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY HEALTH CARE EQUIPMENT LOAN PROGRAM OPERATIONAL COSTS

Program Development

Personnel Costs	
Deputy Commissioner	$12,000
Management Analyst	3,000
Clerical	2,000
	$15,000
Legal Fees from Attorney General	$ 1,500
Fees for Revisor of Statutes	$ 500
Fees to State Register	$ 1,000
Supplies	$ 1,000
Postage	$ 500
	$19,500
Indirect (+ 17%)	3,315
	$22,815

Operational Costs	CY 1986	CY 1987
Loan & Contract Officers (salary plus benefits at 20%)	$ 6,880	$ 7,225
Clerk Typist (salary plus benefits at 5%)	$ 1,210	$ 1,310

Equipment	$ 500	-
Supplies, postage, copying	$ 2,000	$ 2,000
Printing	$ 1,000	$ 1,000
	$11,590	$11,535
Indirect Costs 17%	$ 1,970	$ 1,960
Total	$13,560	$13,495

EJM:dc

FI:00194:13

Department of Finance

Fee Review

Department/Agency:	Budget Activity:
Minnesota Energy and Economic Development	Authority Business Finance

Fee Name:
Application Review Fee for the Health Care Equipment Loan Program

Legal Citation:	Fee Set By:
116M.07, Subd. 7	☐ Law ☒ Agency

Purpose of Fee:
To reimburse the Department of Energy and Economic Development and the Department of Health.

☒ Dedicated ☐ Non-Dedicated	Revenue Code:
APID:	Accumulated Difference Thru 1982

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 83	Actual F.Y. 84	Estimated F.Y. 85	Requested F.Y. 86	Requested F.Y. 87
Actual/Anticipated Receipts			50,000	51,700	103,400
Less Actual/ Anticipated Costs		DEED Health	22,815 23,400	6,780 39,487	13,527 78,239
Current Difference Surplus			3,785	5,433	11,634
Accumulated Difference Surplus				9,218	20,852
Number Paying Fee				50	100
Present Fee (proposed)				.4% of Applications	
Date Fee Last Changed				New	

Remarks: The Health Care Equipment Loan Program was authorized by the 1985 Legislature in the tax bill. The bill authorizes the Minnesota Energy & Economic Development Authority (Authority) to issue up to $95,000,000 in bonds to be used to make loans for equipment to non-profit hospitals in Minnesota. The legislation requires each application to be reviewed and approved by the Department of Health before final approval of the Authority. Currently the Authority and the Department of Health are developing permanent rules that will be used to issue approximately $90,000,000 in bonds before Dec. 31, 1985. The loan proceeds will be used to make loans to MN hospitals in 1986, 1987, and 1988. The fee of .4% will be obtained by the Authority from the program's trustee twice each year. The money will come from a fund created when the bonds are issued. The fee will reimburse direct and indirect costs of the Authority and the Department of Health as described in 116M.07 which states "the commissioner of energy and economic development may charge a reasonable fee under Section 16A.128 to an applicant for the costs of the departments of health and energy and economic development in the review of the application.

Finance Department Recommendation:

Department Authorized Signature:	Agency Controller Signature:

Department of Finance

Fee Review

Department/Agency:	Budget Activity:
Minnesota Energy and Economic Development	Authority Business Finance

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Finance Department Recommendation:

Department Authorized Signature:	Agency Controller Signature:
Edward J. Meyer Jr.	M. Rajanal

Department of Energy
and Economic Development

Financial Management Division
Energy Finance (612) 297-1332
Business Finance (612) 297-3547

900 American Center
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M E M O R A N D U M

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Indirect Costs 17%	$ 1,970	$ 1,960
Total	$13,560	$13,495

EJM:dc

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT Health

Office Memorandum

TO: Kathy Burek

DATE: November 8, 1985

FROM: Marianne Miller MM

PHONE: 623-5520

SUBJECT: Anticipated Direct Costs for HELP

This memo details the anticipated direct costs to the Department of Health for developing and administering the Health Care Equipment Loan Program.

I. Overview of HELP Program Direct Costs to MDH

Program Development Direct Costs: 1985	$ 20,000
Program Operation Direct Costs: 1986-1988	204,750
Grand Total HELP Program Direct Costs 1985-1988	$ 224,750

II. Program Development Direct Costs: 1985*
CY 1985

Health Program Representative, Sr. Salary plus benefits for 3 months	$ 8,030
Clerk Typist 3 Salary plus benefits for 3 months	5,600
Personal Computer/Word Processor plus software	3,000
Legal Fees associated with rule development	1,500
Fees to Revisor of Statutes associated with rule development	370
Fees to State Register for publication of rules	1,000
Supplies	500
Total for CY 85	$ 20,000
Total Program Development Direct Costs	$ 20,000

*Note: This figure does not include the time devoted by Health Department staff in meeting with interested parties and developing early drafts of rules and program operating procedures. Substantial time was devoted to these activities between May 1985 and the present by Gary Goetzke, Marianne Miller, Kathy Burek and Dan McInerney.

II. Program Operation Direct Costs: 1986-1988

CY 1986

Health Program Representative, Sr. salary plus benefits	$ 34,405
Clerk Typist 3 salary plus benefits	24,195
Conference fees plus travel	900
Continuing Legal Education Tuition plus travel	500
Xerox Memory Typewriter	2,000
Credenza/File Cabinet	500
Supplies-Postage-Copying	2,000
Office Equipment - Desk	2,000
Printing of Loan Application Forms	1,000
Total for CY 1986	$ 67,500

CY 1987

Health Program Representative, Sr. salary plus benefits	36,130
Clerk Typist 3 salary plus benefits	26,120
Conference fees plus travel	1,000
Continuing Legal Education Tuition plus travel	500
Form Printing	500
Supplies-Postage-Copying	2,000
Total for CY 1987	$ 66,250

CY 1988

Health Program Representative, Sr. salary plus benefits	$ 38,500
Clerk Typist 3 salary plus benefits	28,500
Conference fees plus travel	1,000
Continuing Legal Education Tuition plus travel	500
Form Printing	500
Supplies-Postage-Copying	2,000
Total for CY 1987	$ 71,000

Total Program Operation Direct Costs 1986-1988 $ 204,750

In the Matter of the Proposed Adoption of Rules of the Minnesota Energy and Economic Development Authority Governing the Health Care Equipment Loan Program

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

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.

Christie B. Eller

CHRISTIE B. ELLER
Special Assistant
Attorney General

MINNESOTA Department of Energy and Economic Development

Minnesota Energy and Economic Development Authority
297-3547

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

TO: J. MICHAEL MILES
Assistant Attorney General

DATE: 1-29-86

FROM: DEBRA J. KULTALA, Management Analyst
Department of Energy and Economic Development

RE: Authority's Health care Equipment Loans

Enclosed herewith please find rulemaking documents with respect to the above-entitled rules including a revised page 4 and approval by the Agency Controller for the Authority fee.

This document according to the Agency as of 2/13/86 is to constitute a re-submission letter.

RECEIVED
JAN 29 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

MINNESOTA
Department of Energy
and Economic Development

Minnesota Energy and Economic Development Authority
297-3547

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

TO: J. MICHAEL MILES
Assistant Attorney General

DATE: 1-17-86

FROM: DEBRA KULTALA, Management Analyst
Department of Energy and Economic Development

RE: Authority's Health Care Equipment Loans

Pursuant to your request, the Authority hereby withdraws the above-entitled rules pending obtaining of (1) a document indicating approval by the Commissioner of Finance of the Authority's fee and (2) a revised page 4 correcting the cross-reference from the Office of the Revisor.

RECEIVED
JAN 29 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

To: Mike

Date: 1.2.86

Re: 1240, Energy & Economic Development – Health Care Equipment Loan Program.

SONR, Approval of Fees by Dept. of Finance

The appropriate DOF form for fee approval is attached to the SONR but the form is not signed. Christy Elker contacted the agency person, Debra Kultala, about this and we were told by Ms. Kultala that DOF had told her it was not necessarily DoF's practice to sign off on the form. E+ED will obtain a signed copy if we require it for our approval of the Rule.

Rules as Adopted

8300. 3204, subpt. 6

p. 4, line 6 This section references the application fee established pursuant to a previous section. The subpart referenced should be "2" not "5"

SF-00006-03

STATE OF MINNESOTA

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

TO: JUDITH WEHRWEIN, Legal Assistant
Attorney General's Office - Admin. Division
204 Administration Building

DATE: 12-30-85

FROM: CHRISTIE B. ELLER CBE
Special Assistant Attorney General

PHONE: 6-9200

SUBJECT: **In the Matter of the Proposed Adoption of the Rules of the Minnesota Energy and Economic Development Authority Relating to Health Care Equipment Loan Program**

Enclosed please find the following rulemaking documents relating to the above-entitled rules.

- Certificate of Authority's Authorizing Resolution
- Order for Publication
- Copy of Proposed Rule
- Notice of Adoption of the Proposed Rule
- Statement of Need and Reasonableness
- Affidavit of Mailing Notice of Proposed Adoption
- Mailing List Certificate
- Copy of State Register
- 4 Copies of Rule as Adopted
- Certificate of Authority's Resolution Adopting the Rule
- 2 Copies of the Findings of Fact, Conclusions and Order
- Certificate of Compliance with Rulemaking Procedures
- Notice of Intent to Solicit Outside Opinion

CBE:bl

Enclosures