

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1304 Docket No. 05.0009.0830

DATE RECEIVED 8/22/86
REVIEW DATE
DUE DATE ~~9/5/86~~ 9-8-86

APPROVED 9-8-86
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING
EMERGENCY RULE ✓

REVISOR APPROVED 9/5
REVISOR DISAPPROVED
FILED W/SEC. STATE 9/8
RETURNED TO AGENCY 9/8

✓ Rule as adopted (4 copies)

___ ~~Notice to Solicit Outside Information/Opinion~~
___ ~~Date published in State Register~~
___ ~~Comments~~

___ ~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule
___ ~~Revisor's Certificate~~

___ Notice of Intent to Adopt Rule (St Reg).
___ Statutory Authority
___ Small business statement
___ Expenditure of public money statement
N/A Signature

N/A Statement of Need and Reasonableness (not enclosed)

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
5-22-86 Date 30/25 days before adoption

✓ Publication in State Register
5-19-86 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
7-15-86 Date

___ ~~Written requests, submissions or comments~~

✓ Declaration of attorney
Charles Mottl Name of SAAG representing agency

___ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney General~~

✓ Memo re mail list
✓ Memo from Charles Mottl

SF-00006-03

File

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: HELEN HENRIE
State Board of Vocational Technical Education

DATE: 9/8/86

ATTN: CHARLES T. MOTTL
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Adopted Emergency Rules Relating to Uncharted Licensure Criteria; Preparation for Small Business Ownership and Textile and Apparel Occupations

The above-referenced rule has been approved as to its legality by the Attorney General on September 8, 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.

MJC/rmk
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1304

A9

State Board of Vocational Technical Education

Adopted Emergency Rules Relating to Uncharted Licensure Criteria; Preparation for Small Business Ownership and Textile and Apparel Occupations

Rules as Adopted, Emergency

3515.5060 [Emergency] UNCHARTED LICENSURE CRITERIA; PREPARATION FOR SMALL BUSINESS OWNERSHIP.

Subpart 1. **General requirements.** To qualify for a license, an applicant in a licensure area not charted in parts 3515.9910 to 3515.9942 must comply with parts 3515.0300 to 3515.1100, 3515.1400, items A to E, and 3515.2100, and specifically in the area of preparation for small business ownership must present evidence of completion of the education and occupational experience requirements of subparts 2 and 3.

Subp. 2. **Occupational experience requirement.** An applicant must have completed verified occupational experience of 6,000 hours as a working proprietor, general manager, operations manager, or manager/supervisor in a retail, wholesale, service, manufacturing, contract construction, financial, insurance, real estate, or transportation business.

Of the 6,000 hours of verified occupational experience required by this subpart, 500 hours must be accumulated within the five years before applying for the license.

Subp. 3. **Education requirements.** An applicant must have completed at an accredited institution a degree program in business education, distributive education, marketing education, business administration, accounting, or business management at the associate degree level or higher or nine quarter credits or 270 clock hours of postsecondary education in principles or fundamentals of accounting, intermediate accounting, or advanced accounting.

3515.5061 [Emergency] UNCHARTED LICENSURE CRITERIA; TEXTILE AND APPAREL OCCUPATIONS.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subpart 1. **General requirements.** To qualify for a license, an applicant in a licensure area not charted in parts 3515.9910 to 3515.9942 must comply with parts 3515.0300 to 3515.1100, 3515.1400, items A to E, and 3515.2100, and specifically in the area of service occupations/textile and apparel occupations must present evidence of completion of the education and occupational experience requirements of subpart 2 or a combination of subparts 2 and 3.

Subp. 2. **Occupational experience requirement.** An applicant must have completed verified occupational experience of 6,000 hours with a minimum of 3,000 hours in garment and apparel construction; custom apparel, textile management, production, and services; and costume construction or alteration. The remaining 3,000 hours may be in those occupations or in clothing sales, slipcover or drapery production, or fashion or apparel design.

Of the 6,000 hours of verified occupational experience required by this subpart, 1,500 hours must be accumulated within the three years before applying for the license.

Subp. 3. **Substitution for occupational requirement.** An applicant may substitute the education listed in this subpart from any accredited postsecondary institution for up to 3,000 hours of verified occupational experience required in subpart 2 at the ratio specified. Notwithstanding the substitution permitted by this subpart, an applicant must comply with the other requirements of subpart 2.

A. A baccalaureate level or higher degree in general home economics; home economics education (consumer homemaking); costume design; apparel and textile management; applied design in textiles and clothing; retail merchandising, apparel option; or textile and clothing is equivalent to 3,000 hours of verified occupational experience.

B. An associate degree in home furnishing/apparel and textile; management, production, and services in textiles or apparel is equivalent to 1,500 hours of verified occupational experience.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

C. A diploma in any of the programs in this item: fashion merchandising; apparel arts; custom tailoring and alteration specialization; apparel design and production may be substituted for some hours of verified occupational experience. A one-year (1,050 clock hour) program is equal to 1,575 hours of verified occupational experience. A two-year (2,100 clock hour) program is equal to 3,000 hours of verified occupational experience.

D. Completion of courses for credit with a minimum grade of C or its equivalent from accredited postsecondary institutions in the following areas may be substituted for some hours of verified occupational experience: tailoring, dressmaking, slipcovers, drapery construction; apparel arts; apparel design and construction; custom apparel; clothing and textiles; clothing alterations and repair. Each clock hour of instruction is equal to 1.5 hours of occupational experience. Each quarter credit is equal to 180 hours of occupational experience. Two semester credits is equivalent to three quarter credits.

E. Directed occupational experience in accordance with part 3515.1300, subpart 1, in ~~customer~~ custom apparel and textile management, production, services; costume construction; alterations; clothing sales; slipcover or drapery production; fashion or apparel design may be substituted for 3,000 hours of occupational experience.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP - 8 1986
Joan Anderson Growe
Secretary of State
11:15 AM

APPROVED AS TO FORM AND LEGALITY
September 8 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

2000.9980 **CERTIFICATE OF AUTHORIZING RESOLUTION FOR EMERGENCY RULES.**

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Douglas Knowlton, do hereby certify that I am a member and the President (office) of the Board of Vocational Technical Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Vocational Technical Education duly and properly called and held on the 12th day of May, 1986, 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 Helen Henrie, Deputy Director of the State Board of Vocational Technical Education, be and she hereby is granted the authority and directed to sign an Order of the State Board of Vocational Technical Education directing the publication in the State Register of proposed emergency rules governing Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations as well as perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day May, 1986.

Joseph P. Graba

Joseph P. Graba, State Director
State Board of Vocational
Technical Education

EMERGENCY RULES

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Vocational Technical Education Board
3515.5060-.5061 [Emer] (proposed) 2324

State Board of Vocational Technical Education

Proposed Emergency Rules Relating to Uncharted Licensure Criteria; Preparation for Small Business Ownership and Textile and Apparel Occupations

Notice of Proposed Adoption of Emergency Rules

Notice is hereby given that the State Board of Vocational Technical Education proposes to adopt the above entitled emergency rules. The statutory authority to adopt emergency rules is contained in Minnesota Statutes 136C., Subdivision 9.

Persons interested in these rules have until 4:30 p.m., Monday, June 16, 1986 to submit written comments. The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the State Board of Vocational Technical Education. Written comments should be sent to:

Helen Henrie, Deputy Director
State Board of Vocational Technical Education
565 Capitol Square
550 Cedar Street
St. Paul, MN 55101
Telephone: 612/297-4575

Upon adoption of these emergency rules, this notice, all written comments received, and the adopted emergency rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

Notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive this notice. The Attorney General shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the agency.

The adopted emergency rule will not become effective without the Attorney General's approval and the Revisor of Statutes' certification of the rules' form. Emergency rules take effect five working days after approval by the Attorney General.

As required by the Administrative Procedures Act, Minnesota Statutes, Chapter 14, these emergency rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the State Director gives notice of continuation by publishing notice in the *State Register* and mailing the same notice to all persons registered with the State Direc-

tor to receive notice of rulemaking proceedings. The emergency rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

These emergency rules will be implemented through existing processes and will not result in new expenditures by school districts.

A free copy of the proposed emergency rules may be obtained by contacting:

Helen Henrie, Deputy Director
State Board of Vocational Technical Education
565 Capitol Square
550 Cedar Street
St. Paul, MN 55101

Joseph P. Graba, State Director
State Board of Vocational Technical Education

Rules as Proposed, Emergency (all new material)

3515.5060 [Emergency] UNCHARTED LICENSURE CRITERIA; PREPARATION FOR SMALL BUSINESS OWNERSHIP.

Subpart 1. **General requirements.** To qualify for a license, an applicant in a licensure area not charted in parts 3515.9910 to 3515.9942 must comply with parts 3515.0300 to 3515.1100, 3515.1400, items A to E, and 3515.2100, and specifically in the area of preparation for small business ownership must present evidence of completion of the education and occupational experience requirements of subparts 2 and 3.

Subp. 2. **Occupational experience requirement.** An applicant must have completed verified occupational experience of 6,000 hours as a working proprietor, general manager, operations manager, or manager/supervisor in a retail, wholesale, service, manufacturing, contract construction, financial, insurance, real estate, or transportation business.

Of the 6,000 hours of verified occupational experience required by this subpart, 500 hours must be accumulated within the five years before applying for the license.

Subp. 3. **Education requirements.** An applicant must have completed at an accredited institution a degree program in business education, distributive education, marketing education, business administration, accounting, or business management at the associate degree level or higher or nine quarter credits or 270 clock hours of postsecondary education in principles or fundamentals of accounting, intermediate accounting, or advanced accounting.

3515.5061 [Emergency] UNCHARTED LICENSURE CRITERIA; TEXTILE AND APPAREL OCCUPATIONS.

Subpart 1. **General requirements.** To qualify for a license, an applicant in a licensure area not charted in parts 3515.9910 to 3515.9942 must comply with parts 3515.0300 to 3515.1100, 3515.1400, items A to E, and 3515.2100, and specifically in the area of service occupations/textile and apparel occupations must present evidence of completion of the education and occupational experience requirements of subpart 2 or a combination of subparts 2 and 3.

Subp. 2. **Occupational experience requirement.** An applicant must have completed verified occupational experience of 6,000 hours with a minimum of 3,000 hours in garment and apparel construction; custom apparel, textile management, production, and services; and costume construction or alteration. The remaining 3,000 hours may be in those occupations or in clothing sales, slipcover or drapery production, or fashion or apparel design.

Of the 6,000 hours of verified occupational experience required by this subpart, 1,500 hours must be accumulated within the three years before applying for the license.

Subp. 3. **Substitution for occupational requirement.** An applicant may substitute the education listed in this subpart from any accredited postsecondary institution for up to 3,000 hours of verified occupational experience required in subpart 2 at the ratio specified. Notwithstanding the substitution permitted by this subpart, an applicant must comply with the other requirements of subpart 2.

A. A baccalaureate level or higher degree in general home economics; home economics education (consumer homemaking); costume design; apparel and textile management; applied design in textiles and clothing; retail merchandising, apparel option; or textile and clothing is equivalent to 3,000 hours of verified occupational experience.

B. An associate degree in home furnishing/apparel and textile; management, production, and services in textiles or apparel is equivalent to 1,500 hours of verified occupational experience.

C. A diploma in any of the programs in this item: fashion merchandising; apparel arts; custom tailoring and alteration specialization; apparel design and production may be substituted for some hours of verified occupational experience. A one-year (1,050 clock

hour) program is equal to 1,575 hours of verified occupational experience. A two-year (2,100 clock hour) program is equal to 3,000 hours of verified occupational experience.

D. Completion of courses for credit with a minimum grade of C or its equivalent from accredited postsecondary institutions in the following areas may be substituted for some hours of verified occupational experience: tailoring, dressmaking, slipcovers, drapery construction; apparel arts; apparel design and construction; custom apparel; clothing and textiles; clothing alterations and repair. Each clock hour of instruction is equal to 1.5 hours of occupational experience. Each quarter credit is equal to 180 hours of occupational experience. Two semester credits is equivalent to three quarter credits.

E. Directed occupational experience in accordance with part 3515.1300, subpart 1, in customer apparel and textile management, production, services; costume construction; alterations; clothing sales; slipcover or drapery production; fashion or apparel design may be substituted for 3,000 hours of occupational experience.

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.

Capitol Area Architectural and Planning Board

Outside Opinion Sought Concerning Proposed Rules Governing Capitol Area Zoning and Design

Notice is hereby given that the Minnesota Capitol Area Architectural and Planning Board is seeking information or opinions from sources outside the agency in preparing to rezone portions of the Capitol Area.

The promulgation of zoning and design rules is authorized by Laws of Minnesota 1985, Chapter 15.50, Subdivision 2 (a).

The Capitol Area Architectural and Planning Board requests information and comments concerning the proposed rezoning. Interested or affected persons or groups may submit statements of information or comment orally or in writing by Friday, May 30, 1986.

Written statements should be addressed to:

Gary Grefenberg, Executive Secretary
Capitol Area Architectural and Planning Board
Room B-46 State Capitol
St. Paul, Minnesota 55155

Oral statements of information and comment will be received over the telephone at (612) 296-7138 between the hours of 9:00 a.m. and 4:00 p.m.

Department of Education, Instructional Effectiveness Division

Nominations Solicited for Special Education Advisory Committee

The Department of Education, Special Education Section is soliciting nominations of persons to serve on the Special Education Advisory Committee (SEAC).

The purpose of SEAC is to assist the State in developing plans and practices that will help assure effective and efficient implementation of Special Education Programs for handicapped students in local school districts.

There are five vacancies for the 1986-89 term. The Committee meets four times from September through June each year.

To ensure appropriate representation, special consideration will be made to recommendations of: 1) Special Education Coordinators or Teachers; 2) Parent Advocates; 3) Special Education Administrators; 4) Regular Education Teachers; 5) Secondary Principals; 6) Congressional Districts: 1, 3, 4, 5, 8.

2000.9945 **AFFIDAVIT OF MAILING**

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations, Minn. Rules pt. 3515.5060 and 3515.5061.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Sharon Y. Smith, being first duly sworn deposes and says:

That on the 22nd day of May, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Proposed Adoption of Emergency Rules by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Board of Vocational Technical Education for the purpose of receiving notice of the proposed adoption of rules by this Board.

Sharon Y. Smith

Subscribed and sworn to before me
this 28th day of May, 1986.

Caroline E. Wisniewski
Notary Public

CAROLINE E. WISNIEWSKI
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES MARCH 28, 1991

STATE OF MINNESOTA
STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

In the Matter of the Proposed Adoption of Emergency Rules of the State of Minnesota Governing Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations, Minn. Rules pt. 3515.5060, and 3515.5061.

ORDER FOR PUBLICATION OF EMERGENCY RULES

IT IS ORDERED this ~~may~~ 13th day of May 19 86, that the proposed emergency rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

Helen Henrie

Deputy Director of
The State Board of Vocational
Technical Education

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Douglas Knowlton, do hereby certify that I am a member and the President of the Board of Vocational Technical Education, a board duly authorized under the laws of the State of Minnesota and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Vocational Technical Education, duly and properly called and held on the 14th day of July, 19 86, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations, Minn. Rules pts. 3515.5060, and 3515.5061 be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §136C.04 (1985) and that Joseph P. Graba, the Director of the Board of Vocational Technical Education, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of July, 19 86.

Douglas Knowlton
President of the Board

James Preston
Attest by Board Member

STATE OF MINNESOTA
STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

In the Matter of the Proposed Adoption of Emergency Rules of the State of Minnesota Governing Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations, Minn. Rules pt. 3515.5060, and 3515.5061.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-entitled matter was authorized for emergency rulemaking proceedings by the State Board of Vocational Technical Education (hereinafter "Board") on May 12, 1986.

It is now before the Board for final approval and adoption. Therefore, the Board makes the following Findings of Fact, and Conclusions of Law.

FINDINGS OF FACT

1. That on May 12, 1986 the Board passed a resolution authorizing the adoption of the above-entitled rules through the emergency rulemaking procedure.

2. That on May 19, 1986 the rules as proposed, and a Notice of Intent to Adopt Emergency Rules were published in the State Register. The notice included a statement advising the public that a free copy of the proposed rules would be available on request from the Board, and that notice of the date of submission of the proposed emergency rules to the attorney general would be mailed to any person requesting to receive the notice.

3. For at least 25 days after publication the Board afforded all interested persons an opportunity to submit data and views on the proposed emergency rules in writing. No such data, views, or other written comments were received.

4. The rules as proposed contained a typographical error which is being corrected. As proposed, Minn. Rules pt. 3515.5061 subpart 3E read in pertinent part as follows:

> "E. Directed occupational experience in accordance with part 3515.1300, subpart 1, in customer apparel and textile management, production, services; . . . ".

That part, as adopted, will read:

> "E. Directed occupational experience in accordance with part 3515.1300 subpart 1, in <u>custom</u> apparel and textile management, production, services; . . . ".
> ~~customer~~

With the exception of this one change, the rules as adopted are the same as those proposed.

CONCLUSIONS OF LAW

1. That the Board has authority, pursuant to Minnesota Statutes §136C.04 (1985) to promulgate these emergency rules.

2. That the change in the rules as adopted is not substantial, and is only to correct a typographical error.

3. That the Board complied with all applicable statutory requirements in promulgating these emergency rules.

4. That the rules are both needed and reasonable.

STATE OF MINNESOTA
STATE BOARD OF VOCATIONAL
TECHNICAL EDUCATION

Dated: July 15, 1986

Joseph P. Graba

STATE OF MINNESOTA
STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

In the Matter of the Proposed Adoption of Emergency Rules of the State of Minnesota Governing Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations, Minn. Rules pt. 3515.5060, and 3515.5061.

ORDER ADOPTING EMERGENCY RULES

The above-entitled matter was published in the State Register on May 19, 1986, as a proposed emergency rule pursuant to Minnesota Statutes, sections 14.29 to 14.36. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations, Minn. Rules pt. 3515.5060, and 3515.5061 are adopted this 14th day of July 1986, pursuant to the authority vested in the Board by Minnesota Statutes §136C.04 (1985).

STATE OF MINNESOTA

Joseph B. Graba

Director State Board of
Vocational Technical Education

2000.9925 **STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES**

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Uncharted Licensure Criteria, Preparation for Small Business Ownership and Textile and Apparel Occupations, Minn. Rules pt. 3515.5060 and 3515.5061.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Charles T. Mottl,

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.

Charles T. Mottl
Special Assistant Attorney General

Dated: Aug. 15, 1986

M E M O R A N D U M

TO: Persons Registered with the State Board of Vocational Technical Education to Receive Notice of Any Rulemaking Proceedings

FROM: Joseph P. Graba, State Director
State Board of Vocational Technical Education

RE: Notice of Proposed Adoption of Emergency Rules

DATE: May 22, 1986

Enclosed you will find the Notice of Proposed Adoption of Emergency Rules relating to unchartered licensure criteria; for Preparation for Small Business Ownership and Textile and Apparel Occupations.

To receive a notice of the date of submission of the proposed emergency rules to the Attorney General, please request that notice by contacting:

Helen Henrie, Deputy Director
State Board of Vocational Technical Education
565 Capitol Square
550 Cedar Street
St. Paul, MN 55101

JO:HH:sys

State Board of Vocational Technical Education

Proposed Emergency Rules Relating to Uncharted Licensure Criteria; Preparation for Small Business Ownership and Textile and Apparel Occupations

Notice of Proposed Adoption of Emergency Rules

Notice is hereby given that the State Board of Vocational Technical Education proposes to adopt the above entitled emergency rules. The statutory authority to adopt emergency rules is contained in Minnesota Statutes 136C., Subdivision 9.

Persons interested in these rules have until 4:30 p.m., Monday, June 16, 1986 to submit written comments. The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the State Board of Vocational Technical Education. Written comments should be sent to:

Helen Henrie, Deputy Director
State Board of Vocational Technical Education
565 Capitol Square
550 Cedar Street
St. Paul, MN 55101
Telephone: 612/297-4575

Upon adoption of these emergency rules, this notice, all written comments received, and the adopted emergency rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

Notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive this notice. The Attorney General shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the agency.

The adopted emergency rule will not become effective without the Attorney General's approval and the Revisor of Statutes' certification of the rules' form. Emergency rules take effect five working days after approval by the Attorney General.

As required by the Administrative Procedures Act, Minnesota Statutes, Chapter 14, these emergency rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the State Director gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the State Director to receive notice of rulemaking proceedings. The emergency rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

These emergency rules will be implemented through existing processes and will not result in new expenditures by school districts.

A free copy of the proposed emergency rules may be obtained by contacting:

Helen Henrie, Deputy Director
State Board of Vocational Technical Education
565 Capitol Square
550 Cedar Street
St. Paul, MN 55101

Joseph P. Graba, State Director
State Board of Vocational Technical Education

EMERGENCY RULE MAILING LIST

Vernon A. Schultz, Supervisor
Special Education
St. Paul Schools
360 Colborne Street
St. Paul, MN 55102

Rose Anderson, Coordinator
Adult Community Education
1900 28th Avenue
Moorhead, MN 56560

Stan Edin, Director
Staples AVTI
3rd Street North
Staples, MN 56479

Martin L. Snoke
University of Minnesota
139 Burton Hall
178 Pillsbury Drive S.E.
Minneapolis, MN 55455

Jim Mills, Coordinator
High School Vocational Center
Hutchinson, MN 55350

Dr. D. Hedtke
Asst Vocational Director
ISD 623
15 East County Road B2
St. Paul, MN 55117

Lowell Rasmussen, Director
Wadena AVTI
405 SW Colfax, PO Box 566
Wadena, MN 56482

Donovan L. Schwichtenberg
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SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: MARTHA J. CASSERLY
Special Assistant Attorney General

DATE: August 15, 1986

FROM: CHARLES T. MOTTL CTM
Special Assistant Attorney General

PHONE: 296-3854

SUBJECT: PROPOSED EMERGENCY RULES RELATING TO UNCHARTED LICENSURE CRITERIA; PREPARATION FOR SMALL BUSINESS OWNERSHIP AND TEXTILE AND APPAREL OCCUPATIONS

The above-referenced emergency rules were promulgated by the State Board of Vocational Technical Education pursuant to Minn. Stat. § 136C.04, subd. 9 (Supp. 1985). After a careful review of the documentation which was submitted to me for determination of compliance with current emergency rule making procedures, I have concluded that the agency followed the current requirements.

For your information, my review did examine three possible problems, each of which I resolved in favor of the agency being permitted to adopt the emergency rules. Those possible problems are:

1. The citation of authority to promulgate the rules set out in the notice of temporary rulemaking is partially incomplete. The Notice states that the authority is found in "Minnesota Statutes 136C., Subdivision 9." The complete recitation of authority would be "Minn. Stat. § 136C.04, subd. 9 (Supp. 1985)." I concluded that sufficient reference to the cite was contained in the Notice to support the Board's statutory authority to adopt the rules.

2. The notice mailed out to those persons on the Board's mailing list did not include a copy of the complete proposed emergency rule. I concluded that that would not preclude the adoption of these emergency rules in that neither the current statutes nor rules on rulemaking clearly require that a notice of emergency rule making include a complete copy of the proposed rule. The Notice which was mailed did indicate the availability of a free copy of the proposed rule upon request and I have been advised that at least six people did request, and were provided with, a copy of the proposed rule. Moreover, the Notice which was mailed did contain, in my view, a sufficient reference to the proposed rule so that those who would be interested in the proposed rule would have received sufficient notice of the proposed emergency rules.

3. The Findings of Fact do not make specific reference to the fact that a copy of the Notice of proposed adoption of emergency rules was mailed to those on the list maintained by the Board. However, the documents which are a part of the emergency rulemaking file indicate that such a notice was sent. The file includes an affidavit of mailing, a copy of the proposed notice and a complete copy of the mailing list. In addition, the Conclusions do indicate that the Board complied with all applicable statutory requirements in promulgating the emergency rules. Inasmuch as the requirement of sending the notice to those on the list is a statutory requirement, the reference to compliance with all statutory requirements should be sufficient to incorporate the fact that the notice was mailed to those on the list.

If you have any questions regarding any of the foregoing, please do not hesitate to contact me.

CTM/smo

Textile and apparel occupations are not covered under 3515.9910 - 3515.9942

3515.0300 - 3515.1100 Vocational License procedures

3515.1400 A to E Education may be substituted by occupational experience in re to obtaining a license

3515.2100 Re part time / non part time license ~~requirements~~

Human Relations Program.

I didn't find any problems. Let me know if there is something I should have caught.

CHAPTER 136C

POST-SECONDARY VOCATIONAL EDUCATION

136C.02 Definitions.
136C.04 Powers and duties of the state board.
136C.042 Awarding degrees.
136C.06 Sole state agency.
136C.07 Area vocational technical schools.
136C.08 Board power to regulate traffic.
136C.13 Post-secondary vocational education tuition.
136C.26 Vocational aid definitions.
136C.27 Programs of study.
136C.28 Process for aid allocation.
136C.29 Use of aid.
136C.31 Distribution of money.
136C.33 Average daily membership.
136C.34 Absence for chemical abuse treatment.
136C.36 Payment of AVTI instructional aid.
136C.37 Repealed.
136C.38 Repealed.
136C.41 Debt service aid.
136C.43 Vocational technical building bonds.
136C.44 Vocational technical building appropriations.
136C.50 State council on vocational technical education.
136C.60 Districts may form joint vocational technical district.
136C.61 Governing board.
136C.62 Powers and duties.
136C.63 Legal status of joint board.
136C.64 Teachers.
136C.65 Nonlicensed employees.
136C.66 Transfer of property.
136C.67 Tax levies.
136C.68 Joinder.
136C.69 Payment obligation.

136C.02 DEFINITIONS.

[For text of subds 1 to 5, see M.S.1984]

Subd. 6. **District.** "District" means a school district providing post-secondary vocational education, an intermediate district, or a joint district.

[For text of subd 7, see M.S.1984]

Subd. 8. **School board.** "School board" means the school board of a district, the board of an intermediate district, or the board of a joint district.

Subd. 9. **Joint district.** "Joint district" means a joint vocational technical district established under section 136C.60.

History: *1985 c 23 s 1-3*

136C.04 POWERS AND DUTIES OF THE STATE BOARD.

[For text of subds 1 to 4, see M.S.1984]

Subd. 4a. **Carry-over authority.** The state board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The state board may carry over any unexpended balance into the following biennium. The amounts carried over must not be taken into account in determining state appropriations and must not be deducted from a later appropriation.

[For text of subds 5 to 8, see M.S.1984]

Subd. 9. **Licensure.** The state board may promulgate rules, according to the provisions of chapter 14, for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education. The state board may adopt emergency licensure rules, according to sections 14.29 to 14.36, when necessary for continuous programs approved by the board and when the board determines that appropriate licensure standards do not exist.

[For text of subds 10 and 11, see M.S.1984]

Subd. 12. **Programs.** The state board shall approve, disapprove, and coordinate programs. The state board shall adopt policies that include at least minimum class sizes and placement ratios. After consultation with affected school boards, the

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

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Special Assistant Attorney General

DATE: August 15, 1986

FROM: CHARLES T. MOTTL CTM
Special Assistant Attorney General

PHONE: 296-3854

SUBJECT: PROPOSED EMERGENCY RULES RELATING TO UNCHARTED LICENSURE CRITERIA; PREPARATION FOR SMALL BUSINESS OWNERSHIP AND TEXTILE AND APPAREL OCCUPATIONS

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