

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

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

Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1432
DATE RECEIVED 12/21/87
REVIEW DATE 12/30/87
DUE DATE 1/4/88 OK
APPROVED 12-30-87 mjC
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0450
ADOPTED W/O HEARING X
EMERGENCY RULE
REVISOR APPROVED 12-30
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies) - only got 3 - but we copied 1
___ 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
§462A.06, subd 4+11 Statutory Authority
NO Small Business Statement
NO Expenditure of public money statement
NO Signature
✓ Statement of Need and Reasonableness
yes Small Business Statement
N/A Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
8.7.87 Date (30)/25 days before adoption
✓ Publication in State Register
8.10.87 Date (30)/25 days before adoption
✓ Resolution Adopting
✓ Findings of Fact, Conclusions & (Order) Adopting
12.17.87 Date
✓ Written requests, submissions or comments - no comments rec'd
✓ Declaration of attorney
Bill Kuretsky Name of SAAG representing agency
___ Notice of Submission to Attorney General - N/A
___ Affidavit of Mailing Notice to Attorney General N/A
✓ order ~~adopting~~ re notice
✓ Order adopting

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : January 4, 1988

TO : KATHLEEN J. JOHNSON
Legal Division
Minnesota Housing Finance Agency

FROM :

MARTHA CASSERLY
Special Assistant
Attorney General

PHONE :

SUBJECT : 6-6204

In the Matter of the Adopted Rule Relating to
American Indian Housing

The above-referenced rule has been approved as to its legality by the Attorney General on December 31, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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:nah
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to American Indian Housing

Rules as Adopted

4900.0930 ADJUSTED INCOME.

Adjusted income shall be computed in accordance with part 4900.0010, subparts 3 and 12. To calculate adjusted income for purposes of parts 4900.0900 to 4900.1080, for all lending programs other than the off-reservation demonstration program referred to in Laws of Minnesota 1987, chapter 404, section 28, subdivision 1, and those permanent program components that may evolve from the demonstration program, the applicant's gross annual income for the two years immediately prior to the date of application for the loan, adjusted in accordance with part 4900.0010, subparts 3 and 12, shall be added to the applicant's projected gross annual income for the year next following the date of application, also adjusted in accordance with part 4900.0010, subparts 3 and 12, and the total thus obtained shall be divided by three.

4900.0980 RATE OF INTEREST.

The rate of interest charged by the tribe, band, or communities on housing loans made pursuant to the act, the plan, and parts 4900.0900 to 4900.1080, shall be negotiated between the tribe, band, or communities, and the MHFA. The prime consideration in establishing rates of interest for eligible loans shall be to make the plan self-supporting by generating sufficient interest income to offset the expenses incurred in the development and operation of the plan, with the exception of the first year's expenses which shall be funded from the appropriation provided in the act upon MHFA's approval of a detailed budget for that first year.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN – 4 1988
Joan Anderson Growe
Secretary of State
12:50 PM

APPROVED AS TO FORM AND LEGALITY
December 31 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassady
SPECIAL ASSISTANT ATTORNEY GENERAL

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to American Indian Housing

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. Sec. 14.14 et. seq. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9794

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and

whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155 (612) 296-5615.

Dated: August 7, 1987

James J. Solem
Executive Director

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to American Indian Housing

Rules as Proposed

4900.0930 ADJUSTED INCOME.

Adjusted income shall be computed in accordance with part 4900.0010, subparts 3 and 12. To calculate adjusted income for purposes of parts 4900.0900 to 4900.1080, for all lending programs other than the off-reservation demonstration program referred to in Laws of Minnesota 1987, chapter 404, section 28, subdivision 1, and those permanent program components that may evolve from the demonstration program, the applicant's gross annual income for the two years immediately prior to the date of application for the loan, adjusted in accordance with part 4900.0010, subparts 3 and 12, shall be added to the applicant's projected gross annual income for the year next following the date of application, also adjusted in accordance with part 4900.0010, subparts 3 and 12, and the total thus obtained shall be divided by three.

4900.0980 RATE OF INTEREST.

The rate of interest charged by the tribe, band, or communities on housing loans made pursuant to the act, the plan, and parts 4900.0900 to 4900.1080, shall be ~~not less than two percent and not more than the highest rate of interest authorized by applicable usury and lending laws~~ negotiated between the tribe, band, or communities, and the MHFA. The prime consideration in establishing rates of interest for eligible loans shall be to make the plan self-supporting by generating sufficient interest income to offset the expenses incurred in the development and operation of the plan, with the exception of the first year's expenses which shall be funded from the appropriation provided in the act upon MHFA's approval of a detailed budget for that first year.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to American Indian Housing

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication in the State Register

David S. Niss
Assistant Revisor

CERTIFICATE OF AGENCY'S

AUTHORIZING RESOLUTION

I, Robert A. Worthington, do hereby certify that I am Chairman of the Minnesota Housing Finance Agency, an Agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency and properly called and held on the 23rd day of July, 1987, 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 James J. Solem, Executive Director of the Minnesota Housing Finance Agency, be and he hereby is authorized and directed to give public notice for the purpose of promulgating rules of the Minnesota Housing Finance Agency without a public hearing, said rules relating to American Indian Housing as well as to perform any and all acts incidental thereto, including the signing of a notice of intent to adopt rules without a public hearing."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 23rd day of July, 1987.

Chairman

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to American Indian Housing

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. Sec. 14.14 et. seq. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9794

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and

whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155 (612) 296-5615.

Dated: August 7, 1987

James J. Solem
Executive Director

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to American Indian Housing

Rules as Proposed

4900.0930 ADJUSTED INCOME.

Adjusted income shall be computed in accordance with part 4900.0010, subparts 3 and 12. To calculate adjusted income for purposes of parts 4900.0900 to 4900.1080, for all lending programs other than the off-reservation demonstration program referred to in Laws of Minnesota 1987, chapter 404, section 28, subdivision 1, and those permanent program components that may evolve from the demonstration program, the applicant's gross annual income for the two years immediately prior to the date of application for the loan, adjusted in accordance with part 4900.0010, subparts 3 and 12, shall be added to the applicant's projected gross annual income for the year next following the date of application, also adjusted in accordance with part 4900.0010, subparts 3 and 12, and the total thus obtained shall be divided by three.

4900.0980 RATE OF INTEREST.

The rate of interest charged by the tribe, band, or communities on housing loans made pursuant to the act, the plan, and parts 4900.0900 to 4900.1080, shall be ~~not less than two percent and not more than the highest rate of interest authorized by applicable usury and lending laws~~ negotiated between the tribe, band, or communities, and the MHFA. The prime consideration in establishing rates of interest for eligible loans shall be to make the plan self-supporting by generating sufficient interest income to offset the expenses incurred in the development and operation of the plan, with the exception of the first year's expenses which shall be funded from the appropriation provided in the act upon MHFA's approval of a detailed budget for that first year.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to American Indian Housing

AGENCY: Minnesota Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication in the State Register

David S. Niss
Assistant Revisor

State of Minnesota

Minnesota Housing Finance Agency

In the Matter of the Proposed Rules
Relating to American Indian Housing

Statement of Need and Reasonableness

4900.0930 and 4900.0980

Minnesota Statutes, Section 462A.07, Subdivision 14 establishes that the Minnesota Housing Finance Agency (Agency) may engage in housing programs for low and moderate income American Indians that are to be developed and administered by specified Indian tribes, bands or communities, and that such programs must conform to rules promulgated by the Agency concerning program administration. These rules include rules pertaining to adjusted income in Minnesota Rules pt. 4900.0930 and rate of interest in Minnesota Rules pt. 4900.0980. These rules have not been amended since they were originally promulgated.

In Minnesota Laws of 1987, Chapter 404, Section 8, Subdivision 1, the Legislature provided additional appropriations for such programs under Minnesota Statutes 462A.07, Subdivision 14, of which a portion are for a demonstration program to make off-reservation loans in combination with mortgage revenue bond proceeds raised by the Agency through its single family mortgage operations. This is the first occasion that the Legislature has specified that a portion of the funds appropriated for such programs be leveraged with funds from a different source. Under previous appropriations, appropriated funds were used to provide the total proceeds for each loan originated under such programs.

Through discussions with tribal officials, the Agency has determined that an equity participation loan instrument would best meet the requirements of the demonstration program anticipated by the Legislature. In this case, an equity participation loan is a second mortgage loan meeting certain criteria which is to be originated in conjunction with a first mortgage loan to be provided through use of Agency single family bond proceeds. The equity participation loan is to provide a specified percentage of the total financing on a subject home and does not have to be repaid until the time the home is sold. Upon sale of the subject home, an "interest assessment" is calculated for the equity participation loan based upon the amount that the home has appreciated in value. The borrower-seller is then required to pay a portion of the appreciation, if any, equal to the proportion of the equity participation loan to the original purchase price of the home.

Upon consideration of this demonstration program, current administrative rules pertaining to American Indian Housing were reviewed, and the two rules noted herein were cited for amendment. This becomes necessary as the original rules did not anticipate either the leveraging of two funding sources with varying requirements or a mortgage instrument without a nominal interest rate calculated on a fully amortizing basis.

The purpose of the change to Minnesota Rules 4900.0930 pertaining to adjusted income is to provide that the adjusted income calculation be consistent under both the demonstration Indian housing program and the Agency single family bond program. Besides providing for administrative simplicity, tribal officials are supportive of this change in that they hope the demonstration program will aid their efforts to recruit Indians in professional occupations to move closer to the reservation. It has been noted in the past that the method of averaging income in the current rule may discourage this effort in that urban incomes tend to be greater than rural incomes and the current income averaging in the rule gives greater weight to oftentimes higher income that an Indian in a professional occupation may have earned in an urban area that may not be earned in rural areas near the reservation.

The purpose of the change to Minnesota Rules 4900.0930 pertaining to rate of interest is to accommodate loan instruments in which other than nominal interest rates are provided, including the equity participation loan interest rate cited herein above. Given that past loan activity has generated sufficient interest income to make the operation of the programs self-supporting, and given the relatively small size of the demonstration program, and given that the proposed rule still enables the Agency to negotiate program interest rates with the administering entity, the Agency deems the change to be reasonable.

The Agency is cognizant of the provisions of Section 14.115 of the Minnesota Statutes, entitled Small Business Considerations in Rulemaking, however, since the recipients of the funds under the American Indian Housing Program must be individuals of Indian heritage and low or moderate income, the proposed rules do not directly affect small businesses, and said law, by its items, is not applicable to these proposed rules. In addition, the proposed rules do not establish any compliance or reporting requirements, design or operational standards, or directly affect the way any business must operate. Further, to the extent the proposed rules may have an indirect effect on small businesses, the effect is to make such funds more readily available and, as a result, the proposed rule has no negative effect on small businesses. Therefore, the provisions contained Minn. Stat. § 14.115 (1986 Supp.) do not apply to the proposed rules discussed herein.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Relating to
American Indian Housing
Without a Public Hearing

AFFIDAVIT
OF MAILING

Kathleen J. Johnson, being first duly sworn, deposes and says:

That on the 7th day of August, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid to all persons and associations who have requested that their names be placed on file with the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency.

Kathleen J. Johnson

Subscribed and sworn to before
me this 7th day of August,
1987.

R. M. Koran
Notary Public

R. M. KORAN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MARCH 30, 1992

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

MAILING LIST CERTIFICATE

In the Matter of the Proposed
Rules Relating to
American Indian Housing
Without a Public Hearing

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minnesota Statutes Section 14.14 Subdivision 1, that their names be placed on file with and maintained by the Minnesota Housing Finance Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency is accurate and complete this 7th day of August, 1987.

Kathleen J. Johnson

to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of the State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Department of Commerce at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Section 10A.01, subdivision 11 as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155 telephone (612) 296-5615.

One free copy of this Notice and the proposed rules may be obtained by contacting Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-5689. Additional copies will be available at the door on the date of the hearing.

Dated: 21 July 1987

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2791.0100 AUTHORIZATION TO ISSUE MEDICAL MALPRACTICE INSURANCE.

Pursuant to *Minnesota Statutes*, section 62F.04, the joint underwriting association is hereby authorized to issue medical malpractice insurance on a primary basis to physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance coverage in the voluntary market. Those classes of physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance and whom the joint underwriting association is authorized to issue medical malpractice insurance are:

A. physicians;

B. certified nurse-midwives;

C. licensed psychologists and licensed consulting psychologists;

D. licensed chemical dependency treatment organizations and licensed half-way houses;

E. hospitals;

F. nursing homes; ~~and~~

G. perfusionists; and

H. surgical assistants.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to American Indian Housing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency 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 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to

the provisions of *Minnesota Statutes* Section 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9794

Authority for the adoption of these rules is contained in *Minnesota Statute* Section 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that *Minnesota Statute* Chapter 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Section 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155 (612) 296-5615.

Dated: 7 August 1987

James J. Solem
Executive Director

Rules as Proposed

4900.0930 ADJUSTED INCOME.

Adjusted income shall be computed in accordance with part 4900.0010, subparts 3 and 12. To calculate adjusted income for purposes of parts 4900.0900 to 4900.1080, for all lending programs other than the off-reservation demonstration program referred to in *Laws of Minnesota* 1987, chapter 404, section 28, subdivision 1, and those permanent program components that may evolve from the demonstration program, the applicant's gross annual income for the two years immediately prior to the date of application for the loan, adjusted in accordance with part 4900.0010, subparts 3 and 12, shall be added to the applicant's projected gross annual income for the year next following the date of application, also adjusted in accordance with part 4900.0010, subparts 3 and 12, and the total thus obtained shall be divided by three.

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.

4900.0980 RATE OF INTEREST.

The rate of interest charged by the tribe, band, or communities on housing loans made pursuant to the act, the plan, and parts 4900.0900 to 4900.1080, shall be ~~not less than two percent and not more than the highest rate of interest authorized by applicable usury and lending laws~~ negotiated between the tribe, band, or communities, and the MHFA. The prime consideration in establishing rates of interest for eligible loans shall be to make the plan self-supporting by generating sufficient interest income to offset the expenses incurred in the development and operation of the plan, with the exception of the first year's expenses which shall be funded from the appropriation provided in the act upon MHFA's approval of a detailed budget for that first year.

Department of Public Service

Proposed Permanent Rules Relating to Building Energy Audits

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Public Service intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is contained in *Minnesota Statutes* section 116J.035, Subdivision 2, as amended by *Laws of Minnesota, 1987*, Chapter 312, Art. 1, Section 8, Subd. 3 and Reorganization Order Number 140 dated December 29, 1986.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Mary Pat Haney or Jeremy de Fiebre
Department of Public Service
Energy Division
900 American Center
150 E. Kellogg Boulevard
St. Paul, MN 55101
Telephone: (612) 297-2103

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule follows this notice.

A free copy of the proposed rule is available upon request from Ms. Haney or Mr. de Fiebre at the address given above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ms. Haney or Mr. de Fiebre upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ms. Haney or Mr. de Fiebre at the address given above.

Dated: 24 July 1987

Tony Perpich, Director
Department of Public Service

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
American Indian Housing
Without a Public Hearing

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Robert A. Worthington, do hereby certify that I am Chairman of the Minnesota Housing Finance Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency, duly and properly called and held on the 17th day of December, 1987, 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 American Indian Housing attached hereto as Exhibit A be and they hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes Section 462A.06, Subdivisions 4 and 11 and that James J. Solem, Commissioner of the Agency, 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 17th day of December, 1987.

Robert A. Worthington
Chairman

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules
Relating to American Indian Housing

ORDER FOR NOTICE OF
INTENT TO ADOPT RULES
WITHOUT A PUBLIC HEARING

It is ordered this 23rd day of July, 1987 that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Housing Finance Agency for that purpose and be published in the State Register.

MINNESOTA HOUSING FINANCE AGENCY

James J. Solem, Executive Director

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
American Indian Housing
Without a Public Hearing

ORDER ADOPTING RULES

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on August 10, 1987 and was sent by United States mail to all persons on the list maintained by the Agency pursuant to Minnesota Statutes Section 14.14 Subdivision 1 on August 7, 1987. After affording interested and affected persons an opportunity to submit comments for 30 days, receiving fewer than twenty-five written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, supplying notice to all persons requesting notice of the date of submission of the proposed rules to the Attorney General for review, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules of the Minnesota Housing Finance Agency Relating to American Indian Housing are adopted this 17th day of December, 1987 pursuant to authority vested in the Agency by Minnesota Statutes 462A.06, Subdivisions 4 and 11.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
American Indian Housing
Without a Public Hearing

ORDER ADOPTING RULES

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on August 10, 1987 and was sent by United States mail to all persons on the list maintained by the Agency pursuant to Minnesota Statutes Section 14.14 Subdivision 1 on August 7, 1987. After affording interested and affected persons an opportunity to submit comments for 30 days, receiving fewer than twenty-five written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, supplying notice to all persons requesting notice of the date of submission of the proposed rules to the Attorney General for review, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules of the Minnesota Housing Finance Agency Relating to American Indian Housing are adopted this 17th day of December, 1987 pursuant to authority vested in the Agency by Minnesota Statutes 462A.06, Subdivisions 4 and 11.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Housing Finance Agency Relating to American Indian Housing	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on August 10, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on August 7, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as 4900.0930 and 4900.0980; and related to American Indian Housing are adopted this 17th day of December, 1987, pursuant to authority vested in me by Minnesota Statutes, sections 462A.06 subd. 3 and 11 and by a resolution of the Board of the Minnesota Housing Finance Agency dated the 17th day of December, 1987.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to American Indian Housing

STATEMENT OF COMPLIANCE WITH THE RULEMAKING PROCEDURES

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

Dated: 12/18/87

William H. Kuretsky
Special Assistant Attorney General

MINNESOTA HOUSING FINANCE AGENCY

Rec'd 12/21

December 22, 1987

Ms. Rita Desmond
Room 204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Rules Relating to to American Indian Housing Without a Public Hearing

Dear Ms. Desmond:

Enclosed please find for your review pursuant to Minnesota Statutes Sections 14.21 through 14.28, the adopted rules of the Minnesota Housing Finance Agency.

The following materials are submitted to you for your review pursuant to Minnesota Rules, Part 2000.0400:

✓Rule as Adopted;

Order Adopting;

Certificate of Board's Resolution Adopting the Rule;

Order of Notice to Adopt Rule Without a Public Hearing;

Certificate of Agency's Authorizing Resolution;

Notice of Intent to Adopt Rule Without a Public Hearing;

Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing;

Mailing List Certificate;

Rule as Proposed;

Findings of Fact, Conclusions, and Order Adopting Rule Without Public Hearing;

Statement of Need and Reasonableness; and

Certificate of Compliance with Rulemaking Procedures.

400 Sibley Street, Suite 300, St. Paul, Minnesota 55101 (612) 296-7608
Equal Opportunity Housing and Equal Opportunity Employment

The Agency did not publish a Notice of Intent to Solicit Outside Opinion in connection with this rule. No requests for a hearing were received during the 30 day comment period. The Agency did not receive any comments during the 30 day comment period, nor did it receive any requests from persons desiring notice of the date of submission of the proposed rule to the Attorney General. The Adopted rules are the same as the Proposed rules.

Sincerely,

James J. Solem
Commissioner

JJS/kjj

Encs.