

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. 1463
DATE RECEIVED 3/28/88
REVIEW DATE 4/6/88
DUE DATE 4/11/88

Docket No. 05.0009.0450
ADOPTED W/O HEARING X
EMERGENCY RULE

APPROVED 4.6.88 mjc
DISAPPROVED
WITHDRAWN

REVISOR APPROVED
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

- ✓ 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
  - yep 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
  - yes Signature
- ✓ Statement of Need and Reasonableness
  - yes/sorta Small Business Statement
  - n/a Fees - § 16A.128
- ✓ Affidavit of Mailing Notice of Intent to Adopt Rule
  - 2.12.88 Date (30)/25 days before adoption
- ✓ Publication in State Register
  - 2.15.88 Date (30)/25 days before adoption
- ✓ Resolution Adopting
- ✓ Findings of Fact, Conclusions & Order Adopting
  - 3.24.88 Date
- no Written requests, submissions or comments
- ✓ Declaration of attorney
  - Karl Herman Name of SAAG representing agency
- / Notice of Submission to Attorney General
- / Affidavit of Mailing Notice to Attorney General

MJC

SF-00006-05 (4/86)

DEPARTMENT : ATTORNE ENERAL

TATE OF MINNESOTA

Office Memorandum

DATE : April 11, 1988

TO : KARL HERMAN
Special Assistant
Attorney General - HFA

FROM : MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Home Energy Loan Progam

The above-referenced rule has been approved as to its legality by the Attorney General on April 6, 1988.

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, submissions 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 establish 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:sc

Enclosures

cc: Maryanne Hruby
Duane Harves

Housing Finance Agency

Adopted Permanent Rules Relating to Home Energy Loan Program

Rules as Adopted

4900.0590 DEFINITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" is as defined in part 4900.0010, subpart 23, item E.

4900.0591 ELIGIBLE BORROWERS.

Subpart 1. **Interest in property.** A borrower shall individually or in the aggregate possess at least a one-third interest in a fee title, a contract for deed, or a life estate in the property to be improved.

For manufactured or factory-made housing taxed as personal property or not permanently affixed to real property, a borrower must individually or in the aggregate have a 100 percent interest in the title to the housing to be improved.

Subp. 2. and 3. [Unchanged.]

4900.0592 ELIGIBLE PROPERTIES.

The property to be improved by a home energy loan is restricted as follows:

A. to D. [Unchanged.]

APPROVED AS TO FORM AND LEGALITY

April 6 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Carpenter
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 8 1988

Joan Anderson Growe,
Secretary of State

10:14 P.M.

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GE[illegible]AL

STATE OF MINNESOTA

Office Memorandum

DATE :

TO : STATE AGENCY

FROM : Office of the Attorney General
Administration/Finance Division

PHONE : 296-9715

SUBJECT : Outdated Forms Your Agency Submitted for Review

In our review of your rule as to legality, we note that your agency continues to use the old, outdated forms from the repealed Attorney General rule. The new Attorney General Rule was enacted in 1986 and made a number of changes in the forms to conform with statutory changes. For example, the new rule requires additional statutorily required information on most of the forms, and further, some of the old forms were omitted or consolidated with other forms under the new rule.

In order for the rule to be approved by the Attorney General, your agency is required to follow the existing attorney general rule in Chapter 2010. A copy of the existing rule may be obtained from the 1987 set of Minnesota Rules or purchased through the Document Center.

Although the enclosed rule was approved, please be aware that in the future, rules may not be approved if they do not comply with the present Attorney General Rule.

MJC:sc

STATE OF MINNESOTA

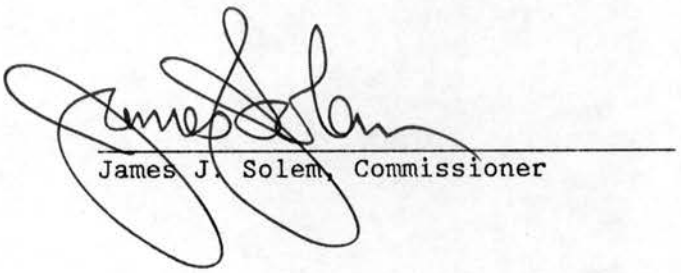
MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
the Home Energy Loan
Program
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 February 15, 1988 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 February 12, 1988. 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 the Home Energy Loan Porgram are adopted this 24th day of March, 1988 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
the Home Energy Loan
Program
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 February 15, 1988 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 February 12, 1988. 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 the Home Energy Loan Porgram are adopted this 24th day of March, 1988 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 the Home Energy Loan Program

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

It is ordered this 28th day of January, 1988 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, Commissioner

Housing Finance Agency

Proposed Permanent Rules Relating to Home Energy Loan Program

Rules as Proposed

4900.0590 DEFINITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" ~~means persons and families whose adjusted income does not exceed $24,000, or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation~~ is as defined in part 4900.0010, subpart 23, item E.

4900.0591 ELIGIBLE BORROWERS.

Subpart 1. **Interest in property.** A borrower shall individually or in the aggregate possess at least a one-third interest in a fee title, a contract for deed, or a life estate in the property to be improved.

For manufactured or factory-made housing taxed as personal property or not permanently affixed to real property, a borrower must individually or in the aggregate have a 100 percent interest in the title to the housing to be improved.

Subp. 2. and 3. [Unchanged.]

4900.0592 ELIGIBLE PROPERTIES.

The property to be improved by a home energy loan is restricted as follows:

A. to D. [Unchanged.]

~~E. A manufactured or factory-made house is eligible for home energy loans only if it is permanently fixed to land by way of a foundation and is taxed as real property.~~

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Home Energy Loan Program

AGENCY: Housing Finance Agency

MINNESOTA RULES: Chapter 4900

The attached rules are approved for publication
in the State Register

David S. Niss
Assistant Revisor

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to the Home Energy Loan Program

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, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: February 12, 1988

James J. Solem
Commissioner

STATE OF MINNESOTA
MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Amendment to
Rules Relating to Home Energy Loan Program.

STATEMENT OF NEED AND REASONABLENESS

Part 4900.0591 Eligible Borrowers.

Subpart 1. This Subpart is being amended to permit loans to borrowers for the purpose of improving manufactured or factory-made homes owned by them that are not real property. A substantial number of people living in this State live in such housing. Therefore, this amendment is necessary to permit the Agency to effectuate its policy of improving the energy efficiency of housing in Minnesota, and it is reasonable to ensure that borrowers meet the statutory requirement that they own the property to be improved.

Part 4900.0592 Eligible Properties.

Item E. This item, prior to the proposed amendment, prohibited loans to improve manufactured or factory-made houses that are not real property. Because a substantial number of people living in this State live in such housing, this prohibition is being deleted to permit loans to improve such housing.

Removing the prohibition contained in Item E is both reasonable and necessary to permit the Agency to effectuate its policy of improving the energy efficiency of housing in Minnesota.

Part 4900.0590 Definitions.

Subpart 4. Since the purpose and intent of the Home Energy Loan Program is the same as the purpose and intent of the Home Improvement Loan Program, this subpart is being amended to make the definition of persons and families of low and moderate income the same in both the Home Energy Loan Program and the Home Improvement Loan Program. It is reasonable to maintain identical income limits between the two programs because of the similarities of the borrowers and the type of assistance provided. The amendment is necessary to minimize confusion on the part of loan applicants in understanding and determining their eligibility for the programs.

The Agency is mindful of the provisions of Section 14.115 of Minnesota Statutes, entitled Small Business Considerations in Rulemaking, but since the direct recipients of the loan assistance under the rules must be natural persons, the regulation does not affect small businesses directly, and the said law, by its terms, is inapplicable to these proposed amendments to the rules. Further, to the extent that the loans which are the subject of this regulation may have an indirect effect on small businesses, the effect of the amended rule is to make energy loans more accessible to natural persons; and, as a result, the amended rule has no negative effect on small businesses.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Rules Relating to
the Home Energy Loan Program
Without a Public Hearing

AFFIDAVIT
OF MAILING

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

That on the 12th day of February, 1988, 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 12th day of February,
1988.

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
the Home Energy Loan Program
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 12th day of February, 1988.

Kathleen J. Johnson

3505.5700 VOCATIONAL AID APPLICATION PROCEDURE.

Subpart 1. **Submission of annual program budget.** The authorized local administrator shall be responsible for submitting the annual program budget, program budget amendments, and annual report.

Subp. 2. **Eligibility for vocational aid.** To be eligible for vocational aid, the annual program budget shall be submitted by ~~February~~ March 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by ~~April~~ May 30. ~~Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.~~ To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. ~~Such~~ The hearings shall be scheduled between ~~February~~ March 1 and ~~May~~ June 15 and shall discuss the rationale for program and planned revenue and expenditures. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for ~~their~~ its review. The results of the review shall be transmitted to the local board of education in writing.

Subp. 3. **Amendments or late program budgets.** ~~Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when: the total requested budget varies plus or minus more than ten percent from the approved program budget, or the change in budget between programs, administrative or support services exceeds 20 percent~~ Program budget requests may be submitted after March 1. The requests must be kept by the department and will be funded at year end if sufficient aid is available.

Amendments to the budget request must be received by the secondary vocational section of the Department of Education by October 25 and February 25 for teacher salaries, contracted services, travel, curriculum development activities, and vocational instructional supplies. Amendments are necessary when the budget amount varies by more than ten percent by vocational program. Aid in excess of the ten percent variation will be withheld when the necessary amendments have not been made.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

INCORPORATIONS BY REFERENCE. The course, program and object dimensions, and the part of Appendix page B-2, all in the Manual for Uniform Financial Accounting and Reporting Standards (UFARS), published by the Department of Education that are referred to in part 3505.5400, are incorporated by reference. The Manual is updated continuously and is available through the Minitex interlibrary loan system.

REPEALER. Minnesota Rules, parts 3505.0200; 3505.0300; 3505.0400; 3505.0500; 3505.0600; 3505.0700; 3505.0800; 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000; 3505.6100; 3505.6200; 3505.6300; 3505.6400; 3505.6410; 3505.6500; 3505.6600; 3505.6700; 3505.6800; 3505.6900; 3505.7000; 3505.7100; 3505.7200; 3505.7300; 3505.7400; 3505.7500; 3505.7600; 3505.7700; 3505.7800; 3505.7900; 3505.8000; 3505.8100; 3505.8200; 3505.8300; 3505.8400; 3505.8410; 3505.8500; 3505.8600; 3505.8700; 3505.8800; 3505.8900; 3505.9000; 3505.9100; 3505.9200; 3505.9300; 3505.9400; 3505.9500; 3505.9600; 3505.9700; 9505.9800; and 3505.9900, are repealed.

Housing Finance Agency

Proposed Permanent Rules Relating to Home Energy Loan Program

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 date 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 thes 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, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: 12 February 1988

James J. Solem
Commissioner

Rules as Proposed

4900.0590 DEFINITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" ~~means persons and families whose adjusted income does not exceed $24,000, or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation~~ is as defined in part 4900.0010, subpart 23, item E.

4900.0591 ELIGIBLE BORROWERS.

Subpart 1. **Interest in property.** A borrower shall individually or in the aggregate possess at least a one-third interest in a fee title, a contract for deed, or a life estate in the property to be improved.

For manufactured or factory-made housing taxed as personal property or not permanently affixed to real property, a borrower must individually or in the aggregate have a 100 percent interest in the title to the housing to be improved.

Subp. 2. and 3. [Unchanged.]

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.

4900.0592 ELIGIBLE PROPERTIES.

The property to be improved by a home energy loan is restricted as follows:

A. to D. [Unchanged.]

~~E. A manufactured or factory-made house is eligible for home energy loans only if it is permanently fixed to land by way of a foundation and is taxed as real property.~~

Waste Management Board

Proposed Permanent Rules Relating to Waste Tire Abatement

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt amendments to the above-entitled rule governing waste tire dump abatement without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minn. Stat.* §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rule is set forth in *Minn. Stat.* § 115A.914, pursuant to Reorganization Order No. 144 (Dept. of Admin. 1987).

All persons have until 4:30 p.m. on Tuesday, March 15, 1988, to submit comments in support of or in opposition to the proposed amendments to the rule. Comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests 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 amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minn. Stat.* §§ 14.131 to 14.20 (1986).

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

Mr. Andrew Ronchak
Waste Management Board
1350 Energy Lane
St. Paul, Minnesota, 55108
(612) 649-5760

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

The proposed Amendments to the rule, if adopted, will affect the waste tire abatement program established in *Minn. Stat.* § 115A.914 (1986). This program was initiated by the Minnesota Pollution Control Agency in 1985. The proposed amendments reflect the transfer of the program to the Waste Management Board. Additional proposed amendments are intended to clarify and improve the existing rule. The proposed amendments to the rule are published below. One free copy of the rule with the proposed amendments is available upon request from Mr. Andrew Ronchak at the address and telephone number stated above.

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

You hereby advised, pursuant to *Minn. Stat.* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed amendments to the rule will have no negative affect on small businesses because the amendments will enable small businesses owning tire dumps to qualify for reimbursement of abatement costs more easily.

If no hearing is required, upon adoption of the amendments to 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 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 amendments to the rule as adopted, must submit a written request to Mr. Andrew Ronchak.

Joseph M. Pavelich, Chair
Waste Management Board

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 28th day of January, 1988, 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, Commissioner 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 the Home Energy Loan Program 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 28th day of January, 1988.

Robert A. Worthington

Chairman

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed
Rules Relating to
the Home Energy Loan Program
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 24th day of March, 1988, 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 the Home Energy Loan Program 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 24th day of March, 1988.

Chairman

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 the Home Energy Loan Program	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 February 15, 1988 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 February 12, 1988. 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.

The Agency received one comment in support of the proposed rule, one request for the existing rule, one request for the proposed rule, and one request for the Statement of Need and Reasonableness. No requests for notice to 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 4900.0590 through 4900.0592 and related to the Home Energy Loan Program are adopted this 24th day of March, 1988, 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 24th day of March, 1988.

James J. Solem, Commissioner

STATE OF MINNESOTA

MINNESOTA HOUSING FINANCE AGENCY

In the Matter of the Proposed Rules Relating to the Home Energy Loan Program

STATEMENT OF COMPLIANCE WITH THE RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Karl J. Herman 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: 3/25/88

Karl J. Herman
Special Assistant Attorney General

MINNESOTA HOUSING FINANCE AGENCY

Rec'd 3/28/88

March 25, 1988

Ms. Rita Desmond
Attorney General Office
515 Transportation Building
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Rules Relating to to the Home Energy Loan Program 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 of Solicit Outside Opinion in connection with this rule. No requests for a hearing were received during the 30 day comment period. The Agency received one comment in support of the proposed rule, one request for the existing rule, one request for the proposed rule, and one request for the Statement of Need and Reasonableness. No requests for notice to submission to the Attorney General were received by the agency. The Adopted rules are the same as the Proposed rules.

Sincerely,

James J. Solem
Commissioner

JJS/kjj

Encs.