

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : March 12, 1990

TO : GEORGIA POMROY, License Revision Specialist
Board of Vocational Technical Education
550 Cedar Street, Suite 100 (55101)

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rule Relating to License to Teach Swine Production Management

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on March 8, 1990.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
Charles Mottl " "

MJC

all New material

RULE REVIEW CHECKLIST

File No. 1671

Docket No. 05-0009,0831

DATE RECEIVED 2-26-90

ADOPTED W/O HEARING X

REVIEW DATE 3-7-90

EMERGENCY RULE _____

DUE DATE 3-12-90

To Revisor: 2-27-90

REVISOR APPROVED 3-9-90

APPROVED March 8, 1990

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE 3-12-90

WITHDRAWN _____

RETURNED TO AGENCY _____

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4 Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
- Dec 4, 89 Date published in State Register
- _____ Comments

_____ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
- Dec 12, 89 Date adopted

✓ Proposed Rule
- _____ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 136C.04 subd 2 Statutory Authority
- _____ Small Business Statement
- _____ Expenditure of public money statement
- Dec 19, 89 Signature

✓ Statement of Need and Reasonableness (if applicable)
- NA Small Business Statement
- NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Dec 28, 1989 Date 30/25 days before adoption
- ✓ Notice attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- Jan 8, 1990 Date 30/25 days before adoption

_____ 180-day deadline from:
- NA Effective date of law requiring rule (14.12) (both rules) — not mandatory
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- Feb 13, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- Feb 14, 1990 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
- Chuck Mottl Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

2-8-90 Called Revisor don't have adopted Rules

State Board of Vocational Technical Education

Adopted Permanent Rules Relating to License to Teach Swine Production Management

Rules as Adopted

3700.0285 SWINE PRODUCTION MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a swine production management license may teach in the swine production management program and may also teach courses in:

A. swine specific content;

B. agriculture commodity marketing and purchasing; and

C. agricultural employee and employer relationships.

Subp. 2. **Other requirements.** The applicant must meet the requirements under part 3700.0100 and the requirements for a teacher in the agricultural occupational area under part 3700.0200.

Subp. 3. **Educational and occupational experience requirement.** The applicant must have either:

A. a bachelor's degree or above with a major in an agricultural field and 4,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing; or

B. two years of postsecondary education from an accredited postsecondary institution in swine production management and 6,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing.

Subp. 4. **Substitution for occupational experience.** Teaching experience at an accredited postsecondary institution or industrial setting may be substituted for 1,500 of the 2,000 hours of recent occupational experience if the teaching is done

during the five-year period. The teaching must be in primary program content in swine production management. Two hours of teaching equal one hour of recent occupational experience.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 12 1990

Joan Anderson Growe
Secretary of State

11:45 AM

APPROVED AS TO FORM AND LEGALITY

March 8 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassady
SPECIAL ASSISTANT ATTORNEY GENERAL

Rec. 2-26-90

STATE OF MINNESOTA
Board of Vocational Technical Education
100 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Office Memorandum

TO: Patricia Nolte

FROM: Georgia Pomroy, License Revision Specialist

DATE: February 26, 1990

PHONE: 296-3929

SUBJECT: Document Review for Swine Production Management, Rule 3700.0285

The following documents are enclosed for your review.

SWINE PRODUCTION MANAGEMENT RULES 3700.0285

1. Signed Notice of Intent to Solicit Outside Opinion - November 22, 1989
2. *State Register* Copy - Solicitation of Outside Opinion - December 4, 1989
3. Authorizing Resolutions for Proposed Rules - December 12, 1989
4. Copy of Proposed Rules Approved by Revisor
5. Statement of Need and Reasonableness
6. Signed Notice of Intent to Adopt a Rule as Mailed - December 19, 1989
7. Affidavit of Mailing - December 28, 1989
8. *State Register* Copy of Rules as Published with Intent to Adopt - January 8, 1990
9. Four copies of rule by Revisor of Statutes
10. State Board's Resolution Adopting Rules - February 13, 1990
11. Findings of Fact and Conclusions of Law - February 14, 1990
12. Declaration by Attorney General - February 23, 1990

No comments were received on adopted rules. One request for a statement of need and reasonableness was received. That request is included.

GP:lrv
MOTTLSWI

Enclosures

All new material
Stat
136.C.04 subd 9
The 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

rule indicates they have until Feb. 7, 1990 to comment published in State Reg Jan 8, 1990 - 30 days

Office of the Revisor of Statutes

Administrative Rules

REC'D SEP 27 1989

Richard J. Sands
Senior Assistant Revisor
296-2798



700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

September 26, 1989

Ms. Georgia Pomroy
State Board of Vocational Technical Education
First Floor
Capitol Square Building
St. Paul, MN 55101

RE: File No. 1552

Dear Ms. Pomroy:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

RJS/cs

Richard J. Sands

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel.

Notice is hereby given that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in Agricultural Occupations - Swine Production Management. The promulgation of these rules is authorized by Minnesota Statutes *s* 136C.04, subd.9. and 125.185 subd.4.

The State Board of Vocational Technical Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Ms. Georgia Pomroy
State Board of Vocational
Technical Education
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Oral Statements will be received during regular business hours over the telephone at (612) 296-0680 or in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m., Thursday, January 4, 1990. Any written material received by the State Board of Vocational Technical Education shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie

Helen Henrie, Deputy Director
State Board of Vocational
Technical Education

Date: Nov 22, 1989

9900SW

Georgia, please see pg. 1349

p 1355

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Rules edition
Published every Monday

4 December 1989

Volume 14, Number 23

Pages 1343-1366

Oral statements will be received during regular business hours over the telephone at 612-642-0567 and in person at the above address.

All statements of information and opinions shall be accepted until April 1, 1990. Any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rules are adopted.

Dated: 15 November 1989

Joyce M. Schowalter, RN
Executive Director

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting at 9:00 a.m. on Friday, December 15, 1989. The meeting will be held at the Ombudsman Office, Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

State Board of Vocational Technical Education

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel

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Oral statements will be received during regular business hours over the telephone at (612) 296-0680 or in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m., Thursday, January 4, 1990. Any written material received by the State Board of Vocational Technical Education shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie, Deputy Director
State Board of Vocational
Technical Education

CERTIFICATE OF THE

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

AUTHORIZING RESOLUTION FOR RULE WITHOUT A PUBLIC HEARING

I, JoAnn Cardenas Enos, do hereby certify that I am a member and the President of the State 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 State Board of Vocational Technical Education duly and properly called and held on the 12th day of December 1989 that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that Helen Henrie, Deputy State Director of the Minnesota Technical College System is hereby granted the authority and directed to sign and to give the Notice of Board's Intent to Adopt a rule without a public hearing governing Post-Secondary Vocational Licensure of personnel for Agricultural Occupations - Swine Production Management to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the *State Register* and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of December 1989.

JoAnn Cardenas Enos
President
State Board of Vocational Technical Education

I B. Daniel
Attest by one other Board Member

9910SWIN

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to License to Teach Swine Production Management

Rules as Proposed (all new material)

3700.0285 SWINE PRODUCTION MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a swine production management license may teach in the swine production management program and may also teach courses in:

A. swine specific content;

B. agriculture commodity marketing and purchasing; and

C. agricultural employee and employer relationships.

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B. two years of postsecondary education from an accredited postsecondary institution in swine production management and 6,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing.

Subp. 4. **Substitution for occupational experience.** Teaching experience at an accredited postsecondary institution or industrial setting may be substituted for 1,500 of the 2,000 hours of recent occupational experience if the teaching is done

Approved by Revisor

during the five-year period. The teaching must be in primary program content in swine production management. Two hours of teaching equal one hour of recent occupational experience.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to License to Teach Swin Production Management

AGENCY: State Board of Vocational Technical Education

MINNESOTA RULES: Chapter 3700

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

DEPARTMENT OF THE STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

In the Matter of the Proposed Adoption of the Rules of the State of Minnesota, State Board of Vocational Technical Education, Governing Agricultural Occupations - Swine Production Management rules, 3700.0285

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Board of Vocational Technical Education 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, Section 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes 136C.04, Subdivision 9.

(2) All persons have 30 days until 4:30 p.m., Wednesday, February 7, 1990, 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. (3) Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

(4) Any person may make a written request for a public hearing on the rule within the 30-day comment period. (5) 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. (6) 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. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, Sections 14.131 to 14.20.

(8) Comments or written requests for a public hearing must be submitted to either:

Jeanette Daines, Supervisor
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

(8) 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.

(11) A copy of the proposed rule is attached to this notice.

(12) 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 Jeanette Daines or Georgia Pomroy at the above address and phone, upon request.

(9) 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 wish to receive a copy of the adopted rule must submit the written request to either:

Jeanette Daines, Supervisor
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

Helen Henrie

Helen Henrie, Deputy Director
Minnesota Technical College System

Date: 12/19/89

NEED AND REASONABLENESS

MINNESOTA STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Statement of Need and Reasonableness
for licensure of Postsecondary
Vocational Technical Personnel in
Swine Production

3700.0285 Swine Production Management

The statutory authority for the State Board of Vocational Technical Education to promulgate these rules is contained in Minnesota Statutes section 136C.04, subd. 9 which states:

Licensure. The State Board may promulgate rules, according to the provisions of Chapter 14, for licensure of teaching, support, and supervisory personnel in postsecondary and adult vocational education. The State Board may adopt licensure rules according to Sections 14.29 to 14.36 when necessary for continuous programs approved by the Board and when the Board determines appropriate licensure standards do not exist.

BACKGROUND INFORMATION

3700.0200 agricultural occupational licensure rule represented here focuses on three processes. For the purpose of clarification each process will be defined here.

1. New Venture Program Licenses
The State Board of Vocational Technical Education evaluates and approves initial and annual program applications according to the State Board of Education rules 3505.6100 to 3505.6400. Approximately ten to fifteen new venture programs receive approval annually. A new venture program is one which has not been previously offered within the technical college system and represents an entirely new program to be delivered. The Board is using the permanent rule process for new venture programs since no appropriate licenses for these categories exist. The new venture program represented in this statement is:

3700.0285 Swine Production Management

Formal rule occurs through a process which involves a general advisory committee. Representatives from licensed postsecondary administrators, supervisory staff, vocational instructors and support staff, private trade school and the Board of Teaching,

State Board of Vocational Technical Education staff, the Minnesota Council of Vocational Education, State Board of Education staff, and finally Licensure staff from the State Board of Vocational Technical Education serve in an ex-officio status. The committee formulates general licensure guidelines and procedures for selecting individuals to serve on specific committees. This committee then reviews and makes recommendations on the final licensure draft.

GENERAL INFORMATION

The proposed permanent rules follow the precedent set by the revised agricultural instructor requirements adopted September 12, 1987, the revised business and office rules adopted February 6, 1988, and administrative licenses adopted on November 26, 1988. There are four major changes within the previous revisions and reflected within these revisions.

1. Crossover areas. The crossover areas compliment the technical college system's program restructuring. This effort converts programs to courses and then courses to credits. Thus the license allows the holder to teach a particular program and specified courses in any program throughout the technical college system. The courses listed as crossovers are reasonable since they are a result of the expertise acquired via the occupational and/or educational experiences specifically required of the license holder. This is needed to remove an artificial barrier which, in the past, allowed the individual to teach only within a program. This makes it possible to implement the restructured programs with appropriately credentialed staff, allowing an instructor to teach specific courses anywhere within a college.

2. Occupational and/or educational experience requirements. The occupational experience requirement identifies the job titles which will be accepted to meet licensure requirements. This specificity is needed to provide both the applicant and the hiring authority with information which will be used in making application for the license. The occupational experience requirements are reasonable because they are conceptually and functionally represented in the education programs and in the occupations for which the programs prepare individuals. There is also an increase in the total number of occupational hours from current rule of 6000 hours to revised rule of 8000 hours. This is reasonable since credit is given for educational experiences which relate directly to the occupation in question. In addition, credit will be given for teaching experience as it relates directly to the occupation being taught. Since these substitutions allow for a total of 4000 hours of occupational experience, the increase to 8000 hours is reasonable. In addition, the increase to 8000 hours represents only a total of one year. Since the crossover areas require more specificity required to teach individual courses throughout the technical college system, a greater depth and breadth of knowledge is required which is represented in the additional year of experience or education.

3. Recent occupational experience. There is an increase in recent occupational experience form "500 to 1000 hours in the last five years" to "2000 hours in the last five years". This increase is necessary so that individuals teaching programs and courses are knowledgeable about technical, economic and industrial changes as they relate to their specific occupational field. It is reasonable since it allows a five year time frame in which to acquire one year or 2000 hours of occupational experience. It would be possible, therefore, to obtain the additional 1500 hours by working only three summers.

4. Substitution for occupational experience. This subpart is necessary as a means of allowing teachers to expand into new, modified or restructured programs which reflect both new content area and existing content. The utilization of teaching experience in specified programs assures that only teaching experience which is conceptually related to the new, modified, or restructured program is allowed as a substitute for recent occupational experience. This recognizes specific knowledge in current programs as applicable to new programs which contain a portion of the same or similar content. 500 hours of recent occupational experience is still retained for the new licensure area to assure up-to-date industrial exposure to the occupation. This amount is reasonable because it can be obtained over five years and is only 12 1/2 weeks.

3700.0285 SWINE PRODUCTION MANAGEMENT

Subpart 1. May Teach. Lists programs and courses which license holder may teach.

Subpart 2. Other Requirements. Refers to the other requirements an applicant must meet for licensure.

Subpart 3. Educational and Occupational Experience Requirement. Specifies number of hours and specific occupational areas acceptable for instructor licensure in the specific occupational program as well as appropriate education.

Subpart 4. Substitution for Recent Occupational Experience. Identifies relevant current teaching experience which can substitute for a portion of the recency requirement of 3700.0200, subpart 2.

The 3700.0200 rule will be implemented using current processes and should not incur additional expense.

3700.0285 SWINE PRODUCTION MANAGEMENT

Subpart 1. May teach. Crossover areas in this license are swine specific and limited to agriculture. The license holder is required to have a minimum of two years postsecondary education specific to swine and/or agriculture plus a corresponding ratio of occupational experience. The crossovers are limited but reasonable given the requirements listed in subpart 3, item A or B.

Subpart 2. Other requirements. This refers to the general requirements as specified in 3700.0100. There are no changes in this subpart. 3700.0200 refers to general requirements for agricultural instructors. There are no changes in this subpart.

Subpart 3. Educational and occupational experience.

Item A. A degree in an agricultural area is appropriate and reasonable for the content within these degrees. The content of value for the swine production program is as follows: facility design and ventilation, finances and budgeting, animal science breeding and nutrition, and agricultural marketing. The swine production program contains courses in each of these areas. The occupational experience is specific to the swine area and encompasses breeding, farrowing, nursery and finishing. This is necessary to assure the breadth and depth of swine production required in larger intensive operations. Therefore it is reasonable to require such experience.

Item B. This item is an alternate route to licensing and allows swine content specific education. The primary focus of this education is application of the principles taught in the broad agricultural educational programs as it pertains to swine production. It is therefore reasonable. The occupational experience is increased by 2000 hours and is reasonable since the education is decreased by two years from item A. The occupational experience rationale remains the same.

Subpart 4. Substitution for occupational recency. The only teaching experience allowed is in swine production and management which is reasonable since this is a swine specific program. It is reasonable to assume an applicant is cognizant of current production and management trends due to the industrial visits and advisory committee activities.

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

DATE: December 28, 1989

RE: Notice of Proposed Adoption of Permanent Rules

Enclosed you will find the Notice of Proposed Adoption of Rules relating to licensure criteria 3700.0285:

Postsecondary Vocational Technical Education relating to

Agricultural Occupations - New Venture
3700.0285 Swine Production Management

The enclosed materials were not published for the legal 30-day period. The Notice of Intent to Adopt a Rule Without a Public Hearing and the rule are being republished January 8, 1990.

GP:lrv
SWINE.MEM

Enclosures

DEPARTMENT OF THE STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

In the Matter of the Proposed Adoption of the Rules of the State of Minnesota, State Board of Vocational Technical Education, Governing Agricultural Occupations - Swine Production Management rules, 3700.0285

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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.

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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 is attached to this notice.

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 Jeanette Daines or Georgia Pomroy at the above address and phone, 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 wish to receive a copy of the adopted rule must submit the written request to either:

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Helen Henrie, Deputy Director
Minnesota Technical College System

9915SWIN

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to License to Teach Swine Production Management

Rules as Proposed (all new material)

3700.0285 SWINE PRODUCTION MANAGEMENT.

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B. two years of postsecondary education from an accredited postsecondary institution in swine production management and 6,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing.

Subp. 4. **Substitution for occupational experience.** Teaching experience at an accredited postsecondary institution or industrial setting may be substituted for 1,500 of the 2,000 hours of recent occupational experience if the teaching is done

during the five-year period. The teaching must be in primary program content in swine production management. Two hours of teaching equal one hour of recent occupational experience.

In the Matter of the Proposed Adoption of the Rule of the State of Minnesota, State Board of Vocational Technical Education Governing Licensure Criteria: Postsecondary Vocational Technical Education, Minnesota Rules 3700.0285, Agricultural Occupations - Swine Production Management

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA |
| ss.
COUNTY OF RAMSEY |

LeAnn R. VanDorsten, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Board of Vocational Technical Education rulemaking mailing list is accurate, complete and current as of this 28th day of December, 1989.

That on the 28th day of December, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing for Agricultural Occupations - Swine Production Management rules 3700.0285 by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

LeAnn R. VanDorsten
[Name]

Executive I
[Title]

Subscribed and sworn to before me
this 28th day of December 19 89.

Caroline E. Wisniewski

20109920.FRM

CAROLINE E. WISNIEWSKI
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES MARCH 28, 1994

RULE MAKING MAILING LIST
~~11/4/88~~ ~~2-14-89~~ ~~3-29-89~~ ~~5-8-89~~
12-11-89 ~~9-6-89~~

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Rochester Public Schools
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Larry Fraser
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St. Cloud, MN 55301

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Rosemount, MN 55068

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Thief River Falls TI
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Moorhead State University
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Superintendent
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Minneapolis Public Schools
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Minneapolis, MN 55413-2398

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St. Paul, MN 55108

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University of Minnesota
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Judith Lambrecht
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Richard Swanson
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~~Clinton Bucher~~
~~343 - 24 Avenue NE~~
~~Minneapolis, MN 55418~~
no forwarding address

~~David Reed, Director~~
~~Office of Policy Analysis~~
~~Department of Energy~~
~~9th Floor, American Center Bldg~~
~~INTER OFFICE~~

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Hutchinson, MN 55350

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Leaf River Valley Co-op
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Murray Turner, Director
Pine to Prairie Co-op Center
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Joleen Durken
732 Capitol Square Building
INTER OFFICE

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1500 Birchmont Drive
Bemidji, MN 56601-2699

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Paul Buzay
Anoka Technical College
1355 West Highway 10
Anoka, MN 55303

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



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Published every Monday

8 January 1990

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Pages 1741-1788

question about the competency of the student or the number of hours of instruction ~~shall~~ must be referred in writing to the commissioner ~~or his agent~~ for clarification.

~~Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of all such circumstances. After a hearing the commissioner shall notify the licensee of his decision within 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner within ten days. Failure to notify the commissioner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.~~

I. The program or instructor has failed to comply with the requirements for programs or instructors in parts 7411.0100 to 7411.0900 and Minnesota Statutes, chapters 169 and 171.

Subp. 8a. **Administrative review.** When the commissioner notifies a program or instructor of a revocation, suspension, or refusal to renew, the program or instructor may proceed under item A or B.

A. The program or instructor may ask the commissioner to review the revocation, suspension, or refusal. The program or instructor may request a review by submitting a statement, together with written materials supporting the position of the program or instructor. In addition to submitting written materials, the program or instructor may request to appear before the commissioner to show cause why the revocation, suspension, or refusal should be rescinded. The request for review must be submitted within ten days after the program or instructor receives notice of the revocation, suspension, or refusal. The commissioner or a designated agent shall perform the review and notify the program or instructor within ten days whether the revocation, suspension, or refusal will be affirmed or rescinded.

B. The program or instructor may request a formal hearing with or without undergoing the review process in item A. The request must be in writing and must be received within 30 days after the program or instructor receives notice of the revocation, suspension, or refusal. When a formal hearing is requested, the commissioner shall arrange a contested case hearing before an administrative law judge under Minnesota Statutes, chapter 14. After the hearing, the administrative law judge may recommend that the commissioner affirm, modify, or reverse the revocation, suspension, or refusal.

Subp. 9. **Fees payable to commissioner.** ~~All~~ Fees for original, renewal, duplicate, and replacement licenses ~~shall~~ must be made payable to the commissioner of public safety.

REPEALER. *Minnesota Rules*, parts 7411.0100, subparts 2 and 3; 7411.0500; 7411.0600; 7411.0800, subparts 4 and 6; 7411.2100; 7411.2200; 7411.2300; 7411.2400; 7411.2500; 7411.2600; and 7411.2700, are repealed.

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to License to Teach Swine Production Management

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education 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*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Wednesday, February 7, 1990, 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 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. An 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 rquests for a public hearing must be submitted to either:

Jeanette Daines, Supervisor
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

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 is attached to this notice.

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 Jeanette Daines or Georgia Pomroy at the above address and phone, 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 wish to receive a copy of the adopted rule must submit the written request to either:

Jeanette Daines, Supervisor
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

Helen Henrie, Deputy Director
Minnesota Technical College System

Rules as Proposed (all new material)

3700.0285 SWINE PRODUCTION MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a swine production management license may teach in the swine production management program and may also teach courses in:

A. swine specific content;

B. agriculture commodity marketing and purchasing; and

C. agricultural employee and employer relationships.

Subp. 2. **Other requirements.** The applicant must meet the requirements under part 3700.0100 and the requirements for a teacher in the agricultural occupational area under part 3700.0200.

Subp. 3. **Educational and occupational experience requirement.** The applicant must have either:

A. a bachelor's degree or above with a major in an agricultural field and 4,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing; or

B. two years of postsecondary education from an accredited postsecondary institution in swine production management and 6,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing.

Subp. 4. **Substitution for occupational experience.** Teaching experience at an accredited postsecondary institution or industrial setting may be substituted for 1,500 of the 2,000 hours of recent occupational experience if the teaching is done during the five-year period. The teaching must be in primary program content in swine production management. Two hours of teaching equal one hour of recent occupational experience.

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.

CERTIFICATE OF THE STATE OF MINNESOTA
STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

AUTHORIZING RESOLUTION FOR ADOPTION OF A RULE WITHOUT A PUBLIC HEARING

I, F. B. Daniel, do hereby certify that I am a member and the President of the State 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 State Board of Vocational Technical Education, duly and properly called and held on the 13th day of February, 1990, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rules relating to Postsecondary Licensure Criteria, for Agricultural Occupations - Swine Production Management rules 3700.0285 are approved and adopted, pursuant to authority vested in the State Board of Vocational Technical Education by Minnesota Statutes 136C.04, Subdivision 9. Helen Henrie, the Deputy Director of the State Board of Vocational Technical Education, is authorized to sign the Findings of Fact, conclusions and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the Attorney General and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of February, 1990.

F. B. Daniel

Officer of the Board

Alan T. Olson

Attest by one other Board member

9925SWIN

STATE OF MINNESOTA
DEPARTMENT OF VOCATIONAL TECHNICAL EDUCATION

In the Matter of the Proposed Adoption of the Rule of the State of Minnesota Governing Postsecondary Vocational Teaching Licensure, rules for 3700.0285 Agricultural Occupations - Swine Production Management	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the State Board of Vocational Technical Education intent to adopt the above-entitled rule was published in the *State Register* on January 8, 1990, 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 December 28, 1989. (2) 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.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of the proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency. No comments or submissions on the rule were received by the agency.

(7) 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.

(8) NOW, THEREFORE, IT IS ORDERED that the rule identified as 3700.0285 Postsecondary Vocational Teaching Licenses, Agricultural Occupations - Swine Production Management rules are adopted this 14th day of February, 1990, pursuant to authority vested in the State Board of Vocational Technical Education by Minnesota Statutes, section 136C.04, Subdivision 9.

(9) Helen Henrie 2/14/90

Helen Henrie — Date
Interim State Director
State Board of Vocational Technical Education

9930SWIN

In the Matter of the Adoption of the
Rule of the State Board of Vocational
Technical Education Governing 3700.0285
Postsecondary Vocational Licensure,
Swine Production Management

DECLARATION OF COUNSEL

I Charles T. Mottl, Assistant Attorney General, do hereby declare that I have examined the above captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0831.

Assistant Attorney General

Dated: February 23, 1990

20109935.FRM

Minnesota Technical Institute System

State Board of Vocational Technical Education
Capitol Square Building 550 Cedar Street St. Paul, MN 55101

October 20, 1989

Campus Locations

ALBERT LEA
ALEXANDRIA
ANOKA
AUSTIN
BEMIDJI
BRAINERD
BROOKLYN PARK
CANBY
DETROIT LAKES
DULUTH
EAST GRAND FORKS
EDEN PRAIRIE
EVELETH
FARIBAULT
GRANITE FALLS
HIBBING
HUTCHINSON
JACKSON
MANKATO
MINNEAPOLIS
MOORHEAD
PINE CITY
PIPESTONE
RED WING
ROCHESTER
ROSEMOUNT
ST. CLOUD
ST. PAUL
STAPLES
THIEF RIVER FALLS
WADENA
WHITE BEAR LAKE
WILLMAR
WINONA

Michele Swanson
Commission Secretary
55 State Office Building
St. Paul, MN 55155-1201

Dear Ms. Swanson:

In response to your request received October 20, 1989, I am enclosing a copy of the Statement of Need and Reasonableness for the proposed rules, Technical Occupations, as well as Swine Production Management as published in the September 25, 1989, State Register.

If you have any questions, feel free to contact our office at 296-3929.

Sincerely,

Georgia Pomroy/cs

Georgia Pomroy,
Licensure Revision Specialist

Enclosure

An Equal Opportunity EDUCATOR and EMPLOYER

LCRAR

REC'D OCT 20 1989

Legislative Commission to

Review Administrative Rules

Senator Gene Waldorf
Chair

Representative Peter Rodosovich
Vice-Chair

Maryanne V. Hruby
Director

October 5, 1989

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Dear Ms.Pomroy:

You recently published a set of proposed rules relating to Vocational Postsecondary Teacher Licenses; Technical Occupations. The LCRAR maintains a file of all Statements of Need and Reasonableness (SONARs). With your assistance, we can keep this file current. We ask you to forward, at your earliest convenience, a copy of the SONAR for these recently published rules to:

The Legislative Commission to Review Administrative Rules
Maryanne Hruby, Director
55 State Office Building
St. Paul, Minnesota 55155

The Minnesota Technical College System also published (on September 25, 1989) a set of proposed rules relating to License to Teach Swine Production Management, but did not list a contact person. Therefore, I'm directing my inquiry to you for a SONAR for these proposed rules also in hopes that you can either send us a copy or direct this request to the proper individual.

If you have any questions please contact me.

Thank you.

Sincerely,

Michele Swanson
Commission Secretary