

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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RULE REVIEW CHECKLIST

File No. 1704 — Docket No. 05-0009.0831

DATE RECEIVED 5-21-90 — ADOPTED W/O HEARING _____

REVIEW DATE 5-30-90 — EMERGENCY RULE _____

DUE DATE 6-4-90 — To Revisor 5-22-90

REVISOR APPROVED 6-4-90

APPROVED 6-4-90 — REVISOR DISAPPROVED _____

DISAPPROVED _____ — FILED W/SEC. OF STATE 6-5-90

WITHDRAWN _____ — RETURNED TO AGENCY 6-5-90

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4 Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
- Jan 16, 1990 Date published in State Register
- _____ Comments

_____ ~~Petition for Adoption of a Rule~~ (if applicable)

✓ Board's Authorizing Resolution
- Jan 9, 1990 Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 136C.04 subd 6 Statutory Authority
- _____ Small Business Statement
- _____ Expenditure of public money statement
- 3-3-90 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- March 22, 1990 Date 30/25 days before adoption
- ✓ Notice attached indicates it's attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- March 19, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
- ✓ 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
- May 8, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- May 9, 1990 Date

_____ ~~Written requests, submissions or comments~~

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

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

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

F

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : June 5, 1990

TO : GEORGIA POMROY
License Revision Specialist
Board of Vocational Technical Education

FROM : CHARLENE HATCHER CH
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Technical College Licenses

The above-referenced rule has been approved as to its legality by the Attorney General on June 4, 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.

CH/rlb
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
Charles Mottl " "

Board of Vocational Technical Education

Adopted Permanent Rules Relating to Technical College Licenses

Rules as Adopted

3700.0140 GENERAL PROVISIONS FOR VOCATIONAL LICENSURE.

Subpart 1. **Licenses requirement.** Licensed personnel shall meet licensure requirements set forth in Minnesota Rules pertaining to the licensure of technical college personnel for the areas in which such personnel practice.

Subp. 2. **License issuance.** Licenses are issued by the licensure unit within the State Board of Vocational Technical Education.

Subp. 3. **Fees.** License fees are established by the State Board of Vocational Technical Education and are nonrefundable except in accordance with the rules of the State Board of Vocational Technical Education. A fee established by the State Board of Vocational Technical Education shall be charged to the applicant for each application. If a renewal and additional license category requests are submitted for review simultaneously, one processing fee covers both the renewal and the new categories. Effective after July 1, 1990, each application for the issuance, renewal, or voluntary surrender of a license to teach shall be accompanied by a processing fee in the amount of $50. When an applicant requests review by committee, an application must be submitted to the State Board of Vocational Technical Education in accordance with parts 3515.4100 to 3515.4400 and shall be accompanied by an additional processing fee to apply to the cost of the review in the amount of $100. Upon presentation of evidence by a government agency indicating that the applicant is unable to pay the petition fee, the fee may be waived by the State Board of Vocational Technical Education.

The fee shall be paid to the State Board of Vocational Technical Education who shall deposit it with the state

treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

The fees are nonrefundable for applicants not qualifying for a license. However, the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

Subp. 4. **License validity.** Licenses become valid on the date of approval by the State Board of Vocational Technical Education. An individual shall hold a license before receiving payment for services that require a license. If a processing error results in issuance of a license to an individual who does not meet rule requirements for the license, the license is invalid. It is the applicant's responsibility to return the license for corrections to the licensing unit of the State Board of Vocational Technical Education. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 nearest the date the license was approved.

Subp. 5. **Correlation of expiration dates.** If an applicant applies for and meets the requirements for an additional license which has the same renewal requirements as the applicant's existing license, the licensing unit will correlate the expiration dates.

When renewing an existing field, one of the following may occur for the purpose of correlating multiple expiration dates if the renewal conditions pertaining to both have been met and verified according to rules. Subsequent renewal will require compliance with customary renewal requirements.

A. Request renewal of another existing licensure field one year early.

B. Request that the expiring fields receive less than the full renewal period.

3700.0150 PROCEDURES FOR VOLUNTARY SURRENDER OF TECHNICAL COLLEGE LICENSES.

Subpart 1. **Materials required to surrender license.** The

person holding a technical college teaching license granted by the State Board of Vocational Technical Education may voluntarily surrender the license by submitting to the licensing unit the following:

A. An application for voluntary surrender which specifies the license category or categories to be surrendered. This application must include the signatures of the district superintendent and the technical college director. The signatures will serve as verification to the State Board of Vocational Technical Education that the district superintendent and the technical college director have been notified of the applicant's intent to remove a category or categories from a license.

B. The applicants copy of the most recently issued license.

C. The required processing fee.

Subp. 2. **Voluntary surrender date.** When the licensing unit receives the materials listed in subpart 1, postmarked by January 1, the date of surrender is July 1 of that year. When the materials are postmarked after January 1, the date of surrender is July 1 of the following calendar year.

Subp. 3. **Withdrawal of request.** A request may be withdrawn by the applicant on or before December 31 of the year in which the request was made without refund of fee.

Subp. 4. **Notification.** Upon receipt of the signed application for voluntary surrender, the State Board of Vocational Technical Education will request in writing the copies of the applicant's original license from the offices of the district superintendent and technical college director. It is the responsibility of the applicant to file with the offices of the district superintendent and the technical college director the revised license.

Subp. 5. **When voluntary surrender is prohibited.** A person may not voluntarily surrender a license under any of the following circumstances:

A. the school board has begun proceedings to

terminate the continuing contract, pursuant to Minnesota Statutes, section 125.12, subdivision 6 or 8, or 125.17, subdivision 4;

B. the State Board of Vocational Technical Education or its designee has begun proceedings to suspend or revoke the license pursuant to part 8700.7500 or Minnesota Statutes, sections 125.09 and 214.10; or

C. any educational agency or board has begun proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

Subp. 6. **Entrance license after voluntary surrender.** A person whose technical college license has been voluntarily surrendered may apply for entrance licensure in the category for which licensure was previously surrendered. An entrance license must be granted to the applicant if the following criteria are met:

A. a licensure rule exists in the category for which licensure was previously surrendered;

B. the applicant meets the entrance licensure criteria that are in effect for that category at the time of application; and

C. the required processing fee accompanies the application for entrance licensure.

Subp. 7. **Effect of voluntary surrender.** Nothing in subparts 1, 2, and 4 prohibits a person from holding or applying for a license in any other category upon surrender of a license in another category.

3700.0155 LETTERS OF APPROVAL.

Subpart 1. **Issuance.** The State Board of Vocational Technical Education may issue letters of approval under the conditions of subpart 3 that permit a licensed individual to undertake an assignment for which that individual is not currently licensed to resolve a hardship.

Subp. 2. **Hardship.** For letter of approval purposes, the state director's designee determines whether a hardship exists

because of item A, B, or C subject to the conditions of subpart 3:

A. an immediate need exists due to an unexpected resignation, death, dismissal, or long-term leave of absence of a licensed staff member;

B. an immediate need exists due to the inability to recruit an individual who is licensable for the assignment and who is available for hire; or

C. an unavoidable situation exists that prevents the offering of needed instruction or service without resort to the letter of approval.

Subp. 3. **Conditions.** Letters of approval authorized by subpart 1 must be issued to a technical college director if the state director's designee finds that the conditions in this subpart are met:

A. the technical college director has requested a letter of approval in accordance with this part;

B. the technical college director has verified in writing that:

(1) a specific assignment vacancy exists that requires a technical college license in the licensure category for which a letter of approval is requested;

(2) reasonable recruitment efforts have been made, as specified by local policy;

(3) no person with appropriate technical college licensure who wishes to undertake the assignment is available for hire or reassignment to this area;

(4) no person who wishes to undertake the assignment and who has been placed on unrequested leave by the technical college has filed with the district a current technical college license that is valid for the assignment for which the letter of approval is requested; and

(5) the person for whom the request is made:

(a) holds a valid license issued by the State Board of Vocational Technical Education;

(b) is technically qualified for the

assignment as evidenced by documentation of training or occupational experience of sufficient substance that in part would qualify for a full license in the requested licensure category without regard to the occupational recency and teacher education sequence provisions; and

(c) has had 12 clock hours of teaching techniques as determined by the local technical college if the request is in an instructional field.

Subp. 4. **Duration, renewal of letters of approval.** A letter of approval is valid for no longer than the rest of the fiscal year in which it is issued. A letter of approval involving the same individual and circumstance may be renewed only once and only if the conditions of subpart 3, items A and B, are met again. The renewal is valid for no longer than the rest of the school year in which the renewal is approved.

REPEALER. Minnesota Rules, parts 3515.0300 and 3515.0400, are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 5 1990
Joan Anderson Growe
Secretary of State
9:00 AM

APPROVED AS TO LEGALITY
June 4, 19 90
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

Stat Authority
136C.04 subd 9

The state board may ~~must~~ promulgate rules, according to the provisions of chapter 14 for licensure of teaching, support and supervisory personnel in post-secondary and adult vocational education.

end of comment period - April 26, 1990 stated in Notice of Intent

Statement of Need

Fees
16A.128

Indicates obtained ok approval from Finance for fees - has obtained fee approval from Finance - approval in folder

Sent notice to House Appropriations and Senate Finance

met requirements of fees

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

Office Memorandum

TO: Patricia Nolte
Office of the Attorney General, 525 Park Avenue, St. Paul, MN

FROM: Georgia Pomroy, License Revision Specialist

DATE: May 21, 1990

PHONE: 296-3929

SUBJECT: Document Review for General Licensure Rules 3700.0140 to 3700.0155

Enclosed is a copy of the following documents for your review:

GENERAL LICENSURE RULES 3700.0140 TO 3700.0155

1. Approval for Fee Increase - Department of Finance - September 28, 1989
2. Resolution by the Board - January 9, 1990
3. *State Register* Copy - Solicitation of Outside Opinion - Voluntary Surrender and Letter of Approval - January 16, 1990 (Did not seek outside opinion for fee increase)
4. Revisor copy of proposed rule
5. Documents for Chairs: House Appropriations Committee and Senate Finance Committee - February 26, 1990
6. Signed Notice of Intent as Mailed - March 3, 1990
7. Statement of Need and Reasonableness
8. Affidavit of Mailing - March 22, 1990
9. *State Register* copy of proposed rules - March 19, 1990 (published one week earlier than requested)
10. Four copies of the rule as adopted
11. Board's Resolution Adopting Rule - May 8, 1990
12. Findings of Fact and Conclusions of Law - May 9, 1990
13. Request for Statement of Need and Reasonableness
14. Attorney General Declaration - May 21, 1990

MOTTLFEE

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: September 28, 1989

Department/Agency: State Board of Vocational Technical Education

Budget Activity: Licensure

Fee Name: Teacher & Administrator License for Post Secondary & Adult Vocational Education

Legal Citation: M.S. 136C.04 subd. 9

Fee Set By: [ ] Law [XX] Agency

Purpose of Fee:

To assure that only qualified teachers and administrators are issued licenses.

[ ] Dedicated [XX] Non-Dedicated

Revenue Code: 310

APID: 63000:99:10 | Fund: 10 | Accumulated Difference Thru 1986: NONE

Dollars in Thousands (137.522 = 137.5)

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Actual/Anticipated Receipts	10	92	101	112	112
Less Actual/ Anticipated Costs	71	81	126	126	130
Current Difference	(61)	11	(25)	(14)	(18)
Accumulated Difference	(61)	(50)	(75)	(89)	(107)
Number Paying Fee: Teacher License	247	2,260	2,470	2,700	2,700
Comm. Rev.	0	37	55	70	70
Present Fee: Teacher License	40.00	40.00	40.00	40.00	40.00
Comm. Rev.	50.00	50.00	50.00	50.00	50.00
Date Fee Last Changed: Teacher License	07/01/83				
Comm. Rev.	07/01/83				

Remarks:

1. Agency recommends that the fee amount be changed to $50.00 for Teacher License and $100.00 for Committee Review.

2. Prior to 05/01/87 fees for licensure of vocational teachers were received, deposited and reported by the Department of Education pursuant to an interagency agreement for license processing service.

3. FY87 costs include expenditures incurred from 07/01/86 to 06/30/87 relating to development of processess and staff for internal management of licensure activity effective 05/01/87.

4. M.S. 136C.04, subd. 9 laws of 1989 gave the State Board the authority to set fees for the licensure of teachers.

Department Authorized Signature:
Helen Henrie, Deputy Director

Finance Department Recommendation:

The department of finance concurs with the system's proposed increase in fees for this activity.

Executive Budget Officer Signature:
Tom St. Martin

00196-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: September 28, 1989

Department/Agency: State Board of Vocational Technical Education

Budget Activity: Licensure

Fee Name: Teacher & Administrator License for Post Secondary & Adult Vocational Education

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06				Dollars in Thousands (137,522 = 137.5)	
Agency Direct Expenditures	67	68	99	98	102
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	4	4
Attorney General	0	3	7	3	3
Statewide Indirect	1	2	3	3	3
Agency Indirect	3	8	17	18	18
Totals – must agree with cost on Fee Review Form	71	81	126	126	130

Remarks:

Listing of Agency Fees

AGENCY: State Board of Vocational Technical Education

1990-91 BIENNI

FUND NO.	FEE NAME	ESTIMATED RECEIPTS 1990-91	ESTIMATED EXPENDITURES 1990-91	OVER (UNDER
10	Teacher & Administrator License for Post Secondary & Adult Vocational Education	224	256	(32)

INSTRUCTIONS

1. List all fees separating them by fund. The list should correspond to the fee review forms submitted.
2. Show sub-total for each fund.
3. Show grand total for all funds.

FI-00339-01
(4/86)

CERTIFICATE OF THE

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

AUTHORIZING RESOLUTION FOR 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 9th day of January 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 Helen Henrie, Interim 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 relating to Post-Secondary Vocational Licensure governing general provisions for vocational licensure: License requirements, issuance and fees, and repeal of 3515.0300, Subparts 1, 2, 3 and 4, 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 9th day of January 1990.

F. B. Daniel
President
State Board of Vocational Technical Education

Allan F. Olson
Attest by one other Board Member

9910FEES

MINNESOTA STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Statement of Need and Reasonableness for Permanent Rules 3700.0140 to 3700.0155 Covering Licensure of Technical College Personnel.

3700.0140 General Provisions for Vocational Licensure

3700.0150 Procedures for Voluntary Surrender of Technical College Licenses

3700.0155 Letters of Approval

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

The State Board of Vocational Technical Education is in the process of revising existing licensure rules and developing instructor licenses for new programs when an appropriate standard does not exist. This process involves three areas. New venture programs for which no license exists, revision of current licensure rules, and revision and addition of general licensure options. The rules indicated in this Statement of Need and Reasonableness concentrates on the general licensure rules.

The State Board passed an Authorizing Resolution on January 9, 1990. A Notice of Intent to Solicit Outside Opinion was published in the State Register on January 16, 1990. Information was sought and received from State Board staff, outside opinion from interested parties, consultation with Technical College administrators and instructors, Revisor of Statutes and the Office of the Attorney General which resulted in the proposed rules. The State Board of Vocational Technical Education staff then made the final rule recommendations.

General Information

3700.0140 General Provision for Vocational Licensure. This rule is a revision of current rule 3515.0300 and 3515.0400.

Subpart 1. License requirement. This subpart is a revision of 3515.0300, Subpart 1. License requirement. The changes in this subpart are primarily editorial and represent no significant change. The rule number is moved from 3515. to 3700. to indicate the new rule numbers which have been assigned to all Technical College revised licensure rules. Since Technical College personnel are currently licensed in different rule numbers during the transition phase, the reference is changed from "requirements set forth in parts 3515.0100 to 3515.9942" to the statement of "requirements set forth in Minnesota Rules pertaining to the licensure of technical college personnel". This change is editorial in nature to accommodate the transition period during which rules are found in 3515., 3509., and finally the revised permanent rules of 3700. Since there are no changes in requirements in this subpart and there are only editorial modifications this is a reasonable revision.

Subp. 2. License issuance. This subp. has been changed to reflect the separation of Boards in 1983 and results in no change in requirements. "State Board of Education" had been changed to read "State Board of Vocational Technical Education".

Subp 3. Fees. The specific language in this subpart is changed to indicate the separation of the Boards and is editorial in nature. This subpart, however, now indicates the cost of a license and the cost of a committee review. The cost of a license application had previously been indicated in BOARD OF TEACHING RULE 8700.0600 titled FEES: The fee is stated to clearly indicate to an applicant the cost of a license and a committee review. The fee will be changed from the existing cost of $40 to $50 for teacher licensing and the fee for committee review will increase from $50 to $100. Prior to 5-1-87 fees for licensure of vocational teachers were received, deposited, and reported by the Department of Education pursuant to an interagency agreement for the license processing service. Fiscal Year 87 costs include expenditures incurred from 7-1-86 to 6-30-87 relating to the development of processes and staff for internal management of licensure activity effective 5-1-87. Minnesota Statutes 136C.04, Subdivision 9, laws of 1989, gave the State Board the authority to set fees for the licensure of teachers. To comply with 16A.128, FEE SETTING, Subd. 1a, which states, "Fees for accounts for which appropriations are made may not be established or adjusted without the approval of the commissioner," a form has been attached approved and signed by the Executive Budget Officer, Department of Finance.

The State Board is required by Minnesota Statutes as follows:

214.06 FEES: LICENSE RENEWALS.

Subd. 1. "Notwithstanding any law to the contrary, the Commissioner of Health as authorized by Section 214.13, all health-related licensing boards and all non-health-related

licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which the commissioner of health or the board is empowered to assess a sufficient amount so the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A. 128."

Subd. 2. "Notwithstanding any law to the contrary, each health-related and non health-related licensing board shall promulgate rules providing for the renewal of licenses."

Minnesota Statute 136C.04 Subdivision 9, as stated supersedes the rules from the Board of Teaching, specifically Chapter 8700. extracted from Minnesota rules:

RULE 8700.0600 FEES:

"Effective July 1, 1983, each application for the issuance and/or renewal of a license to teach shall be accompanied by a processing fee in the amount of $40. The fees shall be paid to the Commissioner of Education who shall deposit them with the state treasurer, as provided by law and report each month to the Commissioner of Finance the amount of fees collected."

"The fee shall be nonrefundable for applicants not qualifying for a license, except the fee is refundable when the applicant for a license already holds a license for which application is made and that license does not expire in the year the application is submitted."

Minnesota Statute gave the State Board the authority to set fees for licensure of teachers:

136.04, Subdivision 9, LICENSURE:

"The State Board may establish a processing fee for the issuance, renewal or extension of a license."

16A.1281 REPORT ON LOW OR HIGH FEES: "Each biennium the commission shall review fees collected by agencies. The commissioner shall report on the fees to the Commissioner of Revenue and to the Appropriation and Finance Committees not later than the date the Governor submits the biennial budget to the legislature. The report must analyze the fees that the commissioner believes will be too low or too high in the next biennium for the service provided. The analysis must take into account the cost of collecting the fee and state the revenue generated by the fees of each agency."

It is necessary to increase the fees required for licensure application and review to accommodate the increase in expenses over the last several years as indicated in the report signed by the Office of the Department of Finance. The licensure fees have not increased since the early 1980's. The increase in administrative costs have necessitated this request. In order to comply with 214.06 FEES; LICENSE RENEWALS and 16A.1281 REPORTS ON LOW OR HIGH FEES this increase is required. The increase is reasonable based on the figures submitted to and approved by the

Department of Finance.

The increase in fees will be the responsibility of the applicant and will not have a fiscal impact on the Technical College System.

Subp. 4. License validity. This subpart reflects editorial changes which indicate the separation of the boards. There are no significant changes in this subpart.

Subp. 5. Correlation of expiration dates. This subpart has been added for the clarification of interested parties. Correlation of dates is a process that has a precedent with the Department of Education as they interpreted postsecondary vocational licensure rules. To eliminate unnecessary expense an applicant will receive the same expiration date when applying for a category with the same renewal requirements as an existing license. In addition to make it possible to correlate dates, an applicant may renew up to one year early. This is a reasonable addition to current rule since it has been an established procedure as set by the Department of Education as they interpreted postsecondary rules. Continuing this interpretation and clarifying the correlation in rule will eliminate unnecessary hardship should this procedure be allowed to dissolve. This is, therefore, a reasonable and necessary rule.

3700.0150 PROCEDURES FOR VOLUNTARY SURRENDER OF TECHNICAL COLLEGE LICENSES.

This is a new addition to the Technical College System rules. This procedure was added to ensure technical college staff would have the same options as provided to licensed staff by Board of Teaching rules. This part is similar to Minnesota Rules pt. 8700.0501. This will allow a licensed staff member to voluntarily remove an endorsement from his/her license in a category in which the licensee no longer feels qualified to function, as well as provide procedures to protect the employing authority from assuming an applicant holds an endorsement which has been removed. This is, therefore, a reasonable addition.

Subpart 1. Material required to surrender license. This subpart indicates to an applicant the required materials to be submitted to the State Board of Vocational Technical Education for removal of a license. This provides assurance that all impacted parties will be aware of the removal of the endorsement from the license in a timely manner so as to allow for any staffing changes which could be necessitated by a change in endorsement. It also will allow the applicant clear directions on the procedure to be followed. The directions and appropriate notification verifications are necessary to avoid confusion and expedite a smooth process. This is, therefore, a reasonable subpart.

Subp. 2. Voluntary surrender date. This subpart informs the applicant of the limitation of time for removal of an endorsement. This is a reasonable and necessary subpart to allow an adequate period of time for the assigning authority to determine if staffing changes could be required prior to the next contract year.

Subp. 3. When voluntary surrender is prohibited. This subpart is necessary to prevent abuse of the voluntary surrender process for any intent other than stated above. Minnesota Statutes sections 125.09 and 214.10, section 125.12 subdivision 6 or 8, section 125.17 subdivision 4, 8700.7500, or proceedings which have begun which might result in the change of status of a teaching license due to individual conduct are protected by this subpart. It is reasonable and necessary not to conflict with existing rules and statutes written to protect the public.

Subp. 5. Effect of voluntary surrender. This subpart is necessary to assure and clarify to the applicant the authorization still allowed when voluntary surrender is requested. This is a reasonable addition.

3700.0155 LETTERS OF APPROVAL.

This is a new addition to the Technical College System licensure rules. This rule is necessary to ensure continuation of a viable technical college program for an interim period in a hardship case when no appropriately licensed instructor is available, and no available teacher is eligible for the license under existing rules.

Programs, conditions, and availability of teachers may vary in different college areas. It is, therefore. reasonable to allow the technical college to determine the need for a Letter of Approval within certain perimeters to protect existing licensed staff.

The specific content of this rule parallels a similar long-time provision in nonvocational licensure rules, where it has been utilized successfully to alleviate extreme hardship cases.

Subp. 2 gives the definitions of what constitutes a hardship to limit the use of this emergency measure to legitimate distress situations and is, therefore, a reasonable subpart.

Subp. 3 is reasonable since it outlines the procedure for documenting need by requiring verification that all other possible solutions have been explored and that no licensed teacher is being replaced by an individual authorized by a Letter of Approval. A basic level of educational and occupational competency is assured by requiring that the applicant hold a prior teaching license, is technically qualified for the assignment by documentation of training or occupational experience, and has had a minimum of 12 hours of teaching techniques. This is a reasonable minimal requirement to protect the integrity of the program. It is reasonable to allow the local administrative staff to assess the submitted qualifications since that group would be representative and knowledgeable about what an interim teacher should know to ensure program continuation on a temporary basis.

Subp. 4 limits the Letter of Approval to only the school year involved plus one renewal. This is a reasonable limitation to prevent misuse of this provision and to ensure maximum efforts will be made to obtain a qualified teacher to provide quality instruction consistent with the programs objectives.

The above referenced rules will be implemented using existing mechanisms and will not have a fiscal impact on the technical college System.

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: September 28, 1989

Department/Agency: State Board of Vocational Technical Education

Budget Activity: Licensure

Fee Name: Teacher & Administrator License for Post Secondary & Adult Vocational Education

Legal Citation: M.S. 136C.04 subd. 9

Fee Set By: [ ] Law [XX] Agency

Purpose of Fee:

To assure that only qualified teachers and administrators are issued licenses.

[ ] Dedicated [XX] Non-Dedicated

Revenue Code: 310

APID:	Fund:	Accumulated Difference Thru 1986
63000:99:10	10	NONE

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Actual/Anticipated Receipts	10	92	101	112	112
Less Actual/ Anticipated Costs	71	81	126	126	130
Current Difference	(61)	11	(25)	(14)	(18)
Accumulated Difference	(61)	(50)	(75)	(89)	(107)
Number Paying Fee: Teacher License	247	2,260	2,470	2,700	2,700
Comm. Rev.	0	37	55	70	70
Present Fee: Teacher License	40.00	40.00	40.00	40.00	40.00
Comm. Rev.	50.00	50.00	50.00	50.00	50.00
Date Fee Last Changed: Teacher License	07/01/83				
Comm. Rev.	07/01/83				

Remarks:

1. Agency recommends that the fee amount be changed to $50.00 for Teacher License and $100.00 for Committee Review.

2. Prior to 05/01/87 fees for licensure of vocational teachers were received, deposited and reported by the Department of Education pursuant to an interagency agreement for license processing service.

3. FY87 costs include expenditures incurred from 07/01/86 to 06/30/87 relating to development of processess and staff for internal management of licensure activity effective 05/01/87.

4. M.S. 136C.04, subd. 9 laws of 1989 gave the State Board the authority to set fees for the licensure of teachers.

Department Authorized Signature:
Helen Henrie, Deputy Director

Finance Department Recommendation:

The department of finance concurs with the system's proposed increase in fees for this activity.

Executive Budget Officer Signature:

FI-00195-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: September 28, 1989

Department/Agency: State Board of Vocational Technical Education

Budget Activity: Licensure

Fee Name: Teacher & Administrator License for Post Secondary & Adult Vocational Education

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06				Dollars in Thousands (137,522 = 137.5)	
Agency Direct Expenditures	67	68	99	98	102
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	4	4
Attorney General	0	3	7	3	3
Statewide Indirect	1	2	3	3	3
Agency Indirect	3	8	17	18	18
Totals – must agree with cost on Fee Review Form	71	81	126	126	130

Remarks:

Listing of Agency Fees

AGENCY: State Board of Vocational Technical Education

1990-91 BIENNIUM

FUND NO.	FEE NAME	ESTIMATED RECEIPTS 1990-91	ESTIMATED EXPENDITURES 1990-91	OVER (UNDER)
10	Teacher & Administrator License for Post Secondary & Adult Vocational Education	224	256	(32)

INSTRUCTIONS

1. List all fees separating them by fund. The list should correspond to the fee review forms submitted.
2. Show sub-total for each fund.
3. Show grand total for all funds.

FI-00339-01
(4/86)

STATE OF MINNESOTA

MINNESOTA TECHNICAL COLLEGE SYSTEM
Board of Vocational Technical Education
Capitol Square Building, 550 Cedar Street
St. Paul, Minnesota 55101

Office Memorandum

TO: Judy

FROM: LeAnn

DATE: September 28, 1989

PHONE:

SUBJECT: FY 89 Licensure Fees Collected and Refunded (7-1-88 to 6-30-89)

Ending Fee Register Number:	5007		
Beginning Fee Register Number:	2537		

Applications Received		2470	
Refunded Fees:			
Fee Register Numbers:			
2516			
2694			
2819			
2914			
2934			
3121			
3357			
3508			
3914			
4352			
Subtotal		10	

TOTAL		2460	
number x $40 per application		x $40	$98,400
Committee Reviews			
Ending fee register number	94		
Beginning fee register number	39		

Total received	55		
Three refunds (#54,77,83)	3		
TOTAL	52		
number x $50 fee			$ 2,600
FY 89 REVENUES			$101,000

February 26, 1990

Mr. Wayne Simoneau, Chairperson
House Appropriations Committee
Minnesota House of Representatives
St. Paul, MN 55155

Dear Mr. Simoneau:

In accordance with the change in Minnesota Statute 16A.128, Subdivision 2A, dealing with procedures, the following fee adjustment proposed change is forwarded to your office.

It is our intent to publish the enclosed rule in the State Register on March 26, 1990.

If you have any concerns or questions, please contact me at my office at 296-3929.

Sincerely,

Georgia Pomroy

Georgia Pomroy
License Revision Specialist

GP:lrv
LEGISL.FEE

Enclosures

The House Appropriations Committee has received the following materials regarding licensure fee increase from the State Board of Vocational Technical Education on 2/26, 1990:

1. Memo to chairperson
2. Attachments
   - fee review (from Department of Finance)
   - legal size copy of 3700.0140
   - Statement of need and reasonableness

Paula A. Hoover
House Appropriations Committee

GP's set

February 26, 1990

Mr. Gene Merriam, Chairperson
Senate Finance Committee
Minnesota State Senate
St. Paul, MN 55155

Dear Mr. Merriam:

In accordance with the change in Minnesota Statute 16A.128, Subdivision 2A, dealing with procedures, the following fee adjustment proposed change is forwarded to your office.

It is our intent to publish the enclosed rule in the State Register on March 26, 1990.

If you have any concerns or questions, please contact me at my office at 296-3929.

Sincerely,

Georgia Pomroy

Georgia Pomroy
License Revision Specialist

GP:lrv
LEGISL.FEE

Enclosures

The Senate Finance Committee has received the following materials regarding licensure fee increase from the State Board of Vocational Technical Education on Feb. 26, 1990:

1. Memo to chairperson
2. Attachments
   - fee review (from Department of Finance)
   - legal size copy of 3700.0140
   - Statement of need and reasonableness

Deb Anderson
Senate Finance Committee Office

MINNESOTA STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Statement of Need and Reasonableness
for Permanent Rule 3700.0140 Covering
Licensure of Technical College Personnel.

3700.0140 General Provisions for
Vocational Licensure

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

The State Board of Vocational Technical Education is in the process of revising existing licensure rules and developing instructor licenses for new programs when an appropriate standard does not exist. This process involves three areas. New venture programs for which no license exists, revision of current licensure rules, and revision and addition of general licensure options. The rules indicated in this Statement of Need and Reasonableness concentrates on the general licensure rules.

The State Board passed an Authorizing Resolution in two parts on May 9, 1989, and January 9, 1990. A Notice of Intent to Solicit Outside Opinion was published in the State Register on January 16, 1990. Information was sought and received from State Board staff, outside opinion from interested parties, consultation with Technical College administrators and instructors, Revisor of Statutes and the Office of the Attorney General which resulted in the proposed rules. The State Board of Vocational Technical Education staff then made the final rule recommendations.

General Information

3700.0140 General Provision for Vocational Licensure. This rule is a revision of current rule 3515.0300 and 3515.0400.

Subpart 1. License requirement. This subpart is a revision of 3515.0300, Subpart 1. License requirement. The changes in this subpart are primarily editorial and represent no significant change. The rule number is moved from 3515. to 3700. to indicate the new rule numbers which have been assigned to all Technical College revised licensure rules. Since Technical College personnel are currently licensed in different rule numbers during the transition phase, the reference is changed from "requirements set forth in parts 3515.0100 to 3515.9942" to the statement of "requirements set forth in Minnesota Rules pertaining to the licensure of technical college personnel". This change is editorial in nature to accommodate the transition period during which rules are found in 3515., 3509., and finally the revised permanent rules of 3700. Since there are no changes in requirements in this subpart and there are only editorial modifications this is a reasonable revision.

Subp. 2. License issuance. This subp. has been changed to reflect the separation of Boards in 1983 and results in no change in requirements. "State Board of Education" had been changed to read "State Board of Vocational Technical Education".

Subp 3. Fees. The specific language in this subpart is changed to indicate the separation of the Boards and is editorial in nature. This subpart, however, now indicates the cost of a license and the cost of a committee review. The cost of a license application had previously been indicated in BOARD OF TEACHING RULE 8700.0600 titled FEES: The fee is stated to clearly indicate to an applicant the cost of a license and a committee review. The fee will be changed from the existing cost of $40 to $50 for teacher licensing and the fee for committee review will increase from $50 to $100. Prior to 5-1-87 fees for licensure of vocational teachers were received, deposited, and reported by the Department of Education pursuant to an interagency agreement for the license processing service. Fiscal Year 87 costs include expenditures incurred from 7-1-86 to 6-30-87 relating to the development of processes and staff for internal management of licensure activity effective 5-1-87. Minnesota Statutes 136C.04, Subdivision 9, laws of 1989, gave the State Board the authority to set fees for the licensure of teachers. To comply with 16A.128, FEE SETTING, Subd. 1a, which states, "Fees for accounts for which appropriations are made may not be established or adjusted without the approval of the commissioner," a form has been attached approved and signed by the Executive Budget Officer, Department of Finance.

The State Board is required by Minnesota Statutes as follows:

214.06 FEES: LICENSE RENEWALS.

Subd. 1. "Notwithstanding any law to the contrary, the Commissioner of Health as authorized by Section 214.13, all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which the commissioner of health or the board is empowered to assess a sufficient amount so

the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A. 128."

Subd. 2. "Notwithstanding any law to the contrary, each health-related and non health-related licensing board shall promulgate rules providing for the renewal of licenses."

Minnesota Statute 136C.04 Subdivision 9, as stated supersedes the rules from the Board of Teaching, specifically Chapter 8700. extracted from Minnesota rules:

RULE 8700.0600 FEES:

"Effective July 1, 1983, each application for the issuance and/or renewal of a license to teach shall be accompanied by a processing fee in the amount of $40. The fees shall be paid to the Commissioner of Education who shall deposit them with the state treasurer, as provided by law and report each month to the Commissioner of Finance the amount of fees collected."

"The fee shall be nonrefundable for applicants not qualifying for a license, except the fee is refundable when the applicant for a license already holds a license for which application is made and that license does not expire in the year the application is submitted."

Minnesota Statute gave the State Board the authority to set fees for licensure of teachers:

136.04, Subdivision 9, LICENSURE:

"The State Board may establish a processing fee for the issuance, renewal or extension of a license."

16A.1281 REPORT ON LOW OR HIGH FEES: "Each biennium the commission shall review fees collected by agencies. The commissioner shall report on the fees to the Commissioner of Revenue and to the Appropriation and Finance Committees not later than the date the Governor submits the biennial budget to the legislature. The report must analyze the fees that the commissioner believes will be too low or too high in the next biennium for the service provided. The analysis must take into account the cost of collecting the fee and state the revenue generated by the fees of each agency."

It is necessary to increase the fees required for licensure application and review to accommodate the increase in expenses over the last several years as indicated in the report signed by the Office of the Department of Finance. The licensure fees have not increased since the early 1980's. The increase in administrative costs have necessitated this request. In order to comply with 214.06 FEES; LICENSE RENEWALS and 16A.1281 REPORTS ON LOW OR HIGH FEES this increase is required. The increase is reasonable based on the figures submitted to and approved by the Department of Finance.

The increase in fees will be the responsibility of the applicant and will not have a fiscal impact on the Technical College System.

Subp. 4. License validity. This subpart reflects editorial changes which indicate the separation of the boards. There are no significant changes in this subpart.

Subp. 5. Correlation of expiration dates. This subpart has been added for the clarification of interested parties. Correlation of dates is a process that has a precedent with the Department of Education as they interpreted postsecondary vocational licensure rules. To eliminate unnecessary expense an applicant will receive the same expiration date when applying for a category with the same renewal requirements as an existing license. In addition to make it possible to correlate dates, an applicant may renew up to one year early. This is a reasonable addition to current rule since it has been an established procedure as set by the Department of Education as they interpreted postsecondary rules. Continuing this interpretation and clarifying the correlation in rule will eliminate unnecessary hardship should this procedure be allowed to dissolve. This is, therefore, a reasonable and necessary rule.

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: September 28, 1989

Department/Agency:	Budget Activity:
State Board of Vocational Technical Education	Licensure

Fee Name: Teacher & Administrator License for Post Secondary & Adult Vocational Education

Legal Citation:	Fee Set By:
M.S. 136C.04 subd. 9	☐ Law ☒ Agency

Purpose of Fee:

To assure that only qualified teachers and administrators are issued licenses.

☐ Dedicated ☒ Non-Dedicated	Revenue Code: 310

APID:	Fund:	Accumulated Difference Thru 1986
63000:99:10	10	NONE

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Actual/Anticipated Receipts	10	92	101	112	112
Less Actual/ Anticipated Costs	71	81	126	126	130
Current Difference	(61)	11	(25)	(14)	(18)
Accumulated Difference	(61)	(50)	(75)	(89)	(107)
Number Paying Fee — Teacher License	247	2,260	2,470	2,700	2,700
Number Paying Fee — Comm. Rev.	0	37	55	70	70
Present Fee — Teacher License	40.00	40.00	40.00	40.00	40.00
Present Fee — Comm. Rev.	50.00	50.00	50.00	50.00	50.00
Date Fee Last Changed — Teacher License	07/01/83				
Date Fee Last Changed — Comm. Rev.	07/01/83				

Remarks:

1. Agency recommends that the fee amount be changed to $50.00 for Teacher License and $100.00 for Committee Review.

2. Prior to 05/01/87 fees for licensure of vocational teachers were received, deposited and reported by the Department of Education pursuant to an interagency agreement for license processing service.

3. FY87 costs include expenditures incurred from 07/01/86 to 06/30/87 relating to development of processess and staff for internal management of licensure activity effective 05/01/87.

4. M.S. 136C.04, subd. 9 laws of 1989 gave the State Board the authority to set fees for the licensure of teachers.

Department Authorized Signature:
Helen Henrie
Helen Henrie, Deputy Director

Finance Department Recommendation:

The department of finance concurs with the system's proposed increase in fees for this activity.

Executive Budget Officer Signature:

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 Licensure Fees, Voluntary Surrender of Licenses, and Letters of Approval, Rules 3700.0140, 3700.0150, 3700.0155, and repeal of Rules 3515.0300 and 3515.0400

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., Thursday, April 26, 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. 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 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

Helen Henrie, Interim State Director
State Board of Vocational Technical Education

Date: 3/3/90

9915FEES.2

FI-00196-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: September 28, 1989

Department/Agency: State Board of Vocational Technical Education

Budget Activity: Licensure

Fee Name: Teacher & Administrator License for Post Secondary & Adult Vocational Education

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06				Dollars in Thousands (137,522 = 137.5)	
Agency Direct Expenditures	67	68	99	98	102
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	4	4
Attorney General	0	3	7	3	3
Statewide Indirect	1	2	3	3	3
Agency Indirect	3	8	17	18	18
Totals – must agree with cost on Fee Review Form	71	81	126	126	130

Remarks:

Listing of Agency Fees

AGENCY: State Board of Vocational Technical Education

1990-91 BIENNIUM

FUND NO.	FEE NAME	ESTIMATED RECEIPTS 1990-91	ESTIMATED EXPENDITURES 1990-91	OVER (UNDER)
10	Teacher & Administrator License for Post Secondary & Adult Vocational Education	224	256	(32)

INSTRUCTIONS

1. List all fees separating them by fund. The list should correspond to the fee review forms submitted.
2. Show sub-total for each fund.
3. Show grand total for all funds.

FI-00339-01
(4/86)

Georgia Please see pg 1809.

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Rules edition
Published every Monday

16 January 1990

Volume 14, Number 29

Pages 1789-1828

All interested persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Eileen Hanlon
Minnesota Veterans Homes
Building 6, Room 105
5101 Minnehaha Avenue South
Minneapolis, Minnesota 55417

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 721-0600, extension 283.

All statements of information and comment will be accepted until further notice is given or the Notice of Hearing or Notice of Intent to Adopt Without a Hearing are published in the *State Register*. Any written material received by the Department shall become part of the hearing record.

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 General licensure rules: Voluntary surrender of teacher licenses, Consultant, Substitute License, Letter of approval, Adult Supplementary; New Ventures; Marketing Occupations, Customer Service Management, Postal Service Management; Health Occupations; Athletic Medicine Technology; Technical Occupations, Electronics Technology. Promulgation of these rules is authorized by *Minnesota Statutes* § 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. Jeanette Daines
State Board of Vocational Technical Education
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0679

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, February 22, 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, Interim State Director
State Board of Vocational
Technical Education

Board of Water and Soil Resources

Notice of Meeting Location

The Board of Water and Soil Resources will hold their January 24, 1990 meeting at the Holiday Inn-North, 2540 North Cleveland, Roseville, MN 55113.

Office of the Revisor of Statutes
Administrative Rules

Paul M. Marinac
Assistant Deputy Revisor
296-0948

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

February 12, 1990

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

RE: File No. 1602

Dear Ms. Pomroy:

I am enclosing six copies of your rules, approved as to form.
Please submit two copies to the State Register for publication.

If you have any questions, please call me.

Very truly yours,

Paul M. Marinac

Board of Vocational Technical Education

Proposed Permanent Rules Relating to Technical College Licenses

Rules as Proposed (all new material)

3700.0140 GENERAL PROVISIONS FOR VOCATIONAL LICENSURE.

Subpart 1. **Licenses requirement.** Licensed personnel shall meet licensure requirements set forth in Minnesota Rules pertaining to the licensure of technical college personnel for the areas in which such personnel practice.

Subp. 2. **License issuance.** Licenses are issued by the licensure unit within the State Board of Vocational Technical Education.

Subp. 3. **Fees.** License fees are established by the State Board of Vocational Technical Education and are nonrefundable except in accordance with the rules of the State Board of Vocational Technical Education. A fee established by the State Board of Vocational Technical Education shall be charged to the applicant for each application. If a renewal and additional license category requests are submitted for review simultaneously, one processing fee covers both the renewal and the new categories. Effective after July 1, 1990, each application for the issuance, renewal, or voluntary surrender of a license to teach shall be accompanied by a processing fee in the amount of $50. When an applicant requests review by committee, an application must be submitted to the State Board of Vocational Technical Education in accordance with parts 3515.4100 to 3515.4400 and shall be accompanied by an additional processing fee to apply to the cost of the review in the amount of $100. Upon presentation of evidence by a government agency indicating that the applicant is unable to pay the petition fee, the fee may be waived by the State Board of Vocational Technical Education.

The fee shall be paid to the State Board of Vocational Technical Education who shall deposit it with the state

Approved by Revisor

treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

The fees are nonrefundable for applicants not qualifying for a license. However, the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

Subp. 4. **License validity.** Licenses become valid on the date of approval by the State Board of Vocational Technical Education. An individual shall hold a license before receiving payment for services that require a license. If a processing error results in issuance of a license to an individual who does not meet rule requirements for the license, the license is invalid. It is the applicant's responsibility to return the license for corrections to the licensing unit of the State Board of Vocational Technical Education. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 nearest the date the license was approved.

Subp. 5. **Correlation of expiration dates.** If an applicant applies for and meets the requirements for an additional license which has the same renewal requirements as the applicant's existing license, the licensing unit will correlate the expiration dates.

When renewing an existing field, one of the following may occur for the purpose of correlating multiple expiration dates if the renewal conditions pertaining to both have been met and verified according to rules. Subsequent renewal will require compliance with customary renewal requirements.

A. Request renewal of another existing licensure field one year early.

B. Request that the expiring fields receive less than the full renewal period.

3700.0150 PROCEDURES FOR VOLUNTARY SURRENDER OF TECHNICAL COLLEGE LICENSES.

Subpart 1. **Materials required to surrender license.** The

Approved
by Revisor _____

person holding a technical college teaching license granted by the State Board of Vocational Technical Education may voluntarily surrender the license by submitting to the licensing unit the following:

A. An application for voluntary surrender which specifies the license category or categories to be surrendered. This application must include the signatures of the district superintendent and the technical college director. The signatures will serve as verification to the State Board of Vocational Technical Education that the district superintendent and the technical college director have been notified of the applicant's intent to remove a category or categories from a license.

B. The applicants copy of the most recently issued license.

C. The required processing fee.

Subp. 2. **Voluntary surrender date.** When the licensing unit receives the materials listed in subpart 1, postmarked by January 1, the date of surrender is July 1 of that year. When the materials are postmarked after January 1, the date of surrender is July 1 of the following calendar year.

Subp. 3. **Withdrawal of request.** A request may be withdrawn by the applicant on or before December 31 of the year in which the request was made without refund of fee.

Subp. 4. **Notification.** Upon receipt of the signed application for voluntary surrender, the State Board of Vocational Technical Education will request in writing the copies of the applicant's original license from the offices of the district superintendent and technical college director. It is the responsibility of the applicant to file with the offices of the district superintendent and the technical college director the revised license.

Subp. 5. **When voluntary surrender is prohibited.** A person may not voluntarily surrender a license under any of the following circumstances:

A. the school board has begun proceedings to

Approved by Revisor _____

terminate the continuing contract, pursuant to Minnesota Statutes, section 125.12, subdivision 6 or 8, or 125.17, subdivision 4;

B. the State Board of Vocational Technical Education or its designee has begun proceedings to suspend or revoke the license pursuant to part 8700.7500 or Minnesota Statutes, sections 125.09 and 214.10; or

C. any educational agency or board has begun proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

Subp. 6. **Entrance license after voluntary surrender.** A person whose technical college license has been voluntarily surrendered may apply for entrance licensure in the category for which licensure was previously surrendered. An entrance license must be granted to the applicant if the following criteria are met:

A. a licensure rule exists in the category for which licensure was previously surrendered;

B. the applicant meets the entrance licensure criteria that are in effect for that category at the time of application; and

C. the required processing fee accompanies the application for entrance licensure.

Subp. 7. **Effect of voluntary surrender.** Nothing in subparts 1, 2, and 4 prohibits a person from holding or applying for a license in any other category upon surrender of a license in another category.

3700.0155 LETTERS OF APPROVAL.

Subpart 1. **Issuance.** The State Board of Vocational Technical Education may issue letters of approval under the conditions of subpart 3 that permit a licensed individual to undertake an assignment for which that individual is not currently licensed to resolve a hardship.

Subp. 2. **Hardship.** For letter of approval purposes, the state director's designee determines whether a hardship exists

Approved
by Revisor _____

because of item A, B, or C subject to the conditions of subpart 3:

A. an immediate need exists due to an unexpected resignation, death, dismissal, or long-term leave of absence of a licensed staff member;

B. an immediate need exists due to the inability to recruit an individual who is licensable for the assignment and who is available for hire; or

C. an unavoidable situation exists that prevents the offering of needed instruction or service without resort to the letter of approval.

Subp. 3. **Conditions.** Letters of approval authorized by subpart 1 must be issued to a technical college director if the state director's designee finds that the conditions in this subpart are met:

A. the technical college director has requested a letter of approval in accordance with this part;

B. the technical college director has verified in writing that:

(1) a specific assignment vacancy exists that requires a technical college license in the licensure category for which a letter of approval is requested;

(2) reasonable recruitment efforts have been made, as specified by local policy;

(3) no person with appropriate technical college licensure who wishes to undertake the assignment is available for hire or reassignment to this area;

(4) no person who wishes to undertake the assignment and who has been placed on unrequested leave by the technical college has filed with the district a current technical college license that is valid for the assignment for which the letter of approval is requested; and

(5) the person for whom the request is made:

(a) holds a valid license issued by the State Board of Vocational Technical Education;

(b) is technically qualified for the

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by Revisor _____

assignment as evidenced by documentation of training or occupational experience of sufficient substance that in part would qualify for a full license in the requested licensure category without regard to the occupational recency and teacher education sequence provisions; and

(c) has had 12 clock hours of teaching techniques as determined by the local technical college if the request is in an instructional field.

Subp. 4. **Duration, renewal of letters of approval.** A letter of approval is valid for no longer than the rest of the fiscal year in which it is issued. A letter of approval involving the same individual and circumstance may be renewed only once and only if the conditions of subpart 3, items A and B, are met again. The renewal is valid for no longer than the rest of the school year in which the renewal is approved.

REPEALER. Minnesota Rules, parts 3515.0300 and 3515.0400, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Technical College Licenses

AGENCY: Board of Vocational Technical Education

MINNESOTA RULES: Chapters 3515 and 3700

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy 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 Licensure Fees, Voluntary Surrender of Licenses, and Letters of Approval, Rules 3700.0140, 3700.0150, 3700.0155, and repeal of Rules 3515.0300 and 3515.0400

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., Thursday, April 26, 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.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) 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.

(5) 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:

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550 Cedar Street
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St. Paul, MN 55101
Telephone: 612-296-0680

Helen Henrie

Helen Henrie, Interim State Director
State Board of Vocational Technical Education

Date: 3/3/90

9915FEES.2

Minnesota Technical Institute System

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

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

MEMORANDUM

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

FROM: Helen Henrie, Interim State Director
State Board of Vocational Technical Education

DATE: March 20, 1990

RE: Notice of Proposed Adoption of Permanent Rules

Enclosed you will find the Notice of Proposed Adoption of Rules relating to licensure criteria 3700.0140, 3700.0150, 3700.0155, and 3700.0500 to 3700.0560

Postsecondary Vocational Technical Education relating to
Marketing Occupations, Licensure Fees, Voluntary Surrender of Licenses, and Letters of Approval

Licensure Fees, Voluntary Surrender of Licenses and Letters of Approval

3700.0140 General Provisions for Vocational Licensure
3700.0150 Procedures for Voluntary Surrender of Technical College Licenses
3700.0155 Letters of Approval

Marketing

3700.0510 Business to Business Telemarketing
3700.0515 Computerizing Small Business
3700.0520 Customer Service
3700.0525 Electronic Service/Sales Representative
3700.0530 Fashion Management
3700.0535 Postal Service Management
3700.0540 Preparation for Small Business Ownership
3700.0545 Productivity Technician/Productivity and Inventory Management
3700.0550 Retail Management
3700.0555 Sales Management
3700.0560 Supervisory Management

GP:lrv
MEMF&MKT

Enclosures

An Equal Opportunity EDUCATOR and EMPLOYER

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 Licensure Fees, Voluntary Surrender of Licenses, and Letters of Approval, Rules 3700.0140, 3700.0150, 3700.0155, and repeal of Rules 3515.0300 and 3515.0400

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., Thursday, April 26, 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. 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 either:

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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:

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100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

Helen Henrie, Interim State Director
State Board of Vocational Technical Education

9915FEES.2

Board of Vocational Technical Education

Proposed Permanent Rules Relating to Technical College Licenses

Rules as Proposed (all new material)

3700.0140 GENERAL PROVISIONS FOR VOCATIONAL LICENSURE.

Subpart 1. **Licenses requirement.** Licensed personnel shall meet licensure requirements set forth in Minnesota Rules pertaining to the licensure of technical college personnel for the areas in which such personnel practice.

Subp. 2. **License issuance.** Licenses are issued by the licensure unit within the State Board of Vocational Technical Education.

Subp. 3. **Fees.** License fees are established by the State Board of Vocational Technical Education and are nonrefundable except in accordance with the rules of the State Board of Vocational Technical Education. A fee established by the State Board of Vocational Technical Education shall be charged to the applicant for each application. If a renewal and additional license category requests are submitted for review simultaneously, one processing fee covers both the renewal and the new categories. Effective after July 1, 1990, each application for the issuance, renewal, or voluntary surrender of a license to teach shall be accompanied by a processing fee in the amount of $50. When an applicant requests review by committee, an application must be submitted to the State Board of Vocational Technical Education in accordance with parts 3515.4100 to 3515.4400 and shall be accompanied by an additional processing fee to apply to the cost of the review in the amount of $100. Upon presentation of evidence by a government agency indicating that the applicant is unable to pay the petition fee, the fee may be waived by the State Board of Vocational Technical Education.

The fee shall be paid to the State Board of Vocational Technical Education who shall deposit it with the state

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treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

The fees are nonrefundable for applicants not qualifying for a license. However, the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

Subp. 4. **License validity.** Licenses become valid on the date of approval by the State Board of Vocational Technical Education. An individual shall hold a license before receiving payment for services that require a license. If a processing error results in issuance of a license to an individual who does not meet rule requirements for the license, the license is invalid. It is the applicant's responsibility to return the license for corrections to the licensing unit of the State Board of Vocational Technical Education. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 nearest the date the license was approved.

Subp. 5. **Correlation of expiration dates.** If an applicant applies for and meets the requirements for an additional license which has the same renewal requirements as the applicant's existing license, the licensing unit will correlate the expiration dates.

When renewing an existing field, one of the following may occur for the purpose of correlating multiple expiration dates if the renewal conditions pertaining to both have been met and verified according to rules. Subsequent renewal will require compliance with customary renewal requirements.

A. Request renewal of another existing licensure field one year early.

B. Request that the expiring fields receive less than the full renewal period.

3700.0150 PROCEDURES FOR VOLUNTARY SURRENDER OF TECHNICAL COLLEGE LICENSES.

Subpart 1. **Materials required to surrender license.** The

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person holding a technical college teaching license granted by the State Board of Vocational Technical Education may voluntarily surrender the license by submitting to the licensing unit the following:

A. An application for voluntary surrender which specifies the license category or categories to be surrendered. This application must include the signatures of the district superintendent and the technical college director. The signatures will serve as verification to the State Board of Vocational Technical Education that the district superintendent and the technical college director have been notified of the applicant's intent to remove a category or categories from a license.

B. The applicants copy of the most recently issued license.

C. The required processing fee.

Subp. 2. **Voluntary surrender date.** When the licensing unit receives the materials listed in subpart 1, postmarked by January 1, the date of surrender is July 1 of that year. When the materials are postmarked after January 1, the date of surrender is July 1 of the following calendar year.

Subp. 3. **Withdrawal of request.** A request may be withdrawn by the applicant on or before December 31 of the year in which the request was made without refund of fee.

Subp. 4. **Notification.** Upon receipt of the signed application for voluntary surrender, the State Board of Vocational Technical Education will request in writing the copies of the applicant's original license from the offices of the district superintendent and technical college director. It is the responsibility of the applicant to file with the offices of the district superintendent and the technical college director the revised license.

Subp. 5. **When voluntary surrender is prohibited.** A person may not voluntarily surrender a license under any of the following circumstances:

A. the school board has begun proceedings to

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terminate the continuing contract, pursuant to Minnesota Statutes, section 125.12, subdivision 6 or 8, or 125.17, subdivision 4;

B. the State Board of Vocational Technical Education or its designee has begun proceedings to suspend or revoke the license pursuant to part 8700.7500 or Minnesota Statutes, sections 125.09 and 214.10; or

C. any educational agency or board has begun proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

Subp. 6. **Entrance license after voluntary surrender.** A person whose technical college license has been voluntarily surrendered may apply for entrance licensure in the category for which licensure was previously surrendered. An entrance license must be granted to the applicant if the following criteria are met:

A. a licensure rule exists in the category for which licensure was previously surrendered;

B. the applicant meets the entrance licensure criteria that are in effect for that category at the time of application; and

C. the required processing fee accompanies the application for entrance licensure.

Subp. 7. **Effect of voluntary surrender.** Nothing in subparts 1, 2, and 4 prohibits a person from holding or applying for a license in any other category upon surrender of a license in another category.

3700.0155 LETTERS OF APPROVAL.

Subpart 1. **Issuance.** The State Board of Vocational Technical Education may issue letters of approval under the conditions of subpart 3 that permit a licensed individual to undertake an assignment for which that individual is not currently licensed to resolve a hardship.

Subp. 2. **Hardship.** For letter of approval purposes, the state director's designee determines whether a hardship exists

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because of item A, B, or C subject to the conditions of subpart 3:

A. an immediate need exists due to an unexpected resignation, death, dismissal, or long-term leave of absence of a licensed staff member;

B. an immediate need exists due to the inability to recruit an individual who is licensable for the assignment and who is available for hire; or

C. an unavoidable situation exists that prevents the offering of needed instruction or service without resort to the letter of approval.

Subp. 3. **Conditions.** Letters of approval authorized by subpart 1 must be issued to a technical college director if the state director's designee finds that the conditions in this subpart are met:

A. the technical college director has requested a letter of approval in accordance with this part;

B. the technical college director has verified in writing that:

(1) a specific assignment vacancy exists that requires a technical college license in the licensure category for which a letter of approval is requested;

(2) reasonable recruitment efforts have been made, as specified by local policy;

(3) no person with appropriate technical college licensure who wishes to undertake the assignment is available for hire or reassignment to this area;

(4) no person who wishes to undertake the assignment and who has been placed on unrequested leave by the technical college has filed with the district a current technical college license that is valid for the assignment for which the letter of approval is requested; and

(5) the person for whom the request is made:

(a) holds a valid license issued by the State Board of Vocational Technical Education;

(b) is technically qualified for the

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assignment as evidenced by documentation of training or occupational experience of sufficient substance that in part would qualify for a full license in the requested licensure category without regard to the occupational recency and teacher education sequence provisions; and

(c) has had 12 clock hours of teaching techniques as determined by the local technical college if the request is in an instructional field.

Subp. 4. **Duration, renewal of letters of approval.** A letter of approval is valid for no longer than the rest of the fiscal year in which it is issued. A letter of approval involving the same individual and circumstance may be renewed only once and only if the conditions of subpart 3, items A and B, are met again. The renewal is valid for no longer than the rest of the school year in which the renewal is approved.

REPEALER. Minnesota Rules, parts 3515.0300 and 3515.0400, are repealed.

Approved
by 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 Marketing rules, 3700.0500 to 3700.0560, Business to Business Telemarketing, Computerizing Small Business, Customer Service, Electronic Service/Sales Representative, Fashion Management, Postal Service Management, Preparation for Small Business Ownership, Productivity Technician/Productivity and Inventory Management, Retail Management, Sales Management, Supervisory 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., Thursday, April 26, 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. 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 either:

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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:

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St. Paul, MN 55101
Telephone: 612-296-0680

Helen Henrie, Interim State Director
State Board of Vocational Technical Education

9915MKT

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to Commercial Occupation Licensing

Rules as Proposed

3700.0500 LICENSES IN MARKETING OCCUPATIONAL AREA.

Subpart 1. **Listed here.** An applicant for a license to teach technical college courses and programs in the marketing occupational area must meet the requirements in this part. The requirements are in addition to the requirements in part 3700.0100 and for a particular license (listed under the part that covers that particular license).

Subp. 2. **Recent occupational experience.** An applicant for a license to teach in the marketing occupational area must have 2,000 hours of occupational experience within the five years just before applying for that license.

Subp. 3. **Does not apply.** Part 3515.9921 does not apply to parts 3700.0505 to 3700.0515.

~~3709.0360~~ 3700.0510 BUSINESS TO BUSINESS TELEMARKETING.

[For text of subpart 1, see M.R.]

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience at an accredited postsecondary institution, industrial or business setting in primary content of business to business telemarketing for 1,500 ~~hours~~ of the 2,000 hours required under part ~~3709.0100, subpart 1, item A~~ 3700.0500. Two hours of teaching equal one hour of the occupational experience.

~~3709.0330~~ 3700.0515 COMPUTERIZING SMALL BUSINESS.

[For text of subpart 1, see M.R.]

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Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of ~~verified~~ occupational experience with a minimum of 6,000 hours as a working proprietor or managerial level employee responsible for, and making decisions based on, sources and use of capital. ~~A minimum of 2,000 hours of this experience must be~~ The remaining 2,000 hours must be in one or both of the following:

A. using a microcomputer system with multiapplication software for use in managing daily operations of a small business; or

B. selling a combination of microcomputer hardware systems and software packages for use in managing the daily operations of a small business.

The 8,000 hours must include verification of experience in developing a combination of microcomputer hardware and software processes for computerizing small businesses. Computerizing a small business means to do a feasibility study that includes analyzing, prioritizing, researching availability, evaluating, and reviewing computer needs.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. Notwithstanding this substitution, the applicant must not substitute for the ~~2,000 hours of~~ experience ~~in~~ developing a combination of microcomputer hardware and software processes for computerizing small business or the 2,000 hours of specialized experience as stated in subpart 3.

A. A bachelor's or higher degree with a major in business administration, business management, or accounting may be substituted for 4,000 hours.

B. An associate degree in accounting, business management, business entrepreneurship, or microcomputer sales

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and service may be substituted for 2,000 hours.

C. A diploma in business entrepreneurship, small business management, preparation for small business ownership, accounting, or computerizing small business may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in computer systems design, accounting, business management, and business computer applications may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. ~~**Occupational experience substitution**~~ **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or at an industrial setting ~~**may be substituted**~~ for 1,500 of the 2,000 hours required in part ~~3709.0100~~ 3700.0500, subpart ~~1, item A~~ 2, if the teaching is done during this five-year period. The teaching must be in computerizing small business, small business management, or preparation for small business ownership. Two hours of teaching equal one hour of occupational experience.

3700.0520 CUSTOMER SERVICE.

Subpart 1. **May teach.** A teacher who has a customer service license may teach in the customer service program and may also teach customer specific courses such as:

A. consumer behavior;

B. consumer credit and collections;

C. introduction to customer service technology;

D. consumer problem solving;

E. customer service conflict and management; and

F. customer service telemarketing.

Subp. 2. **Other requirements.** The applicant must meet the

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requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience with a minimum of 4,000 hours at the management/supervisory level doing the hiring, training, and development of individuals for customer contact involving problem solving and proactive activities. The remaining experience may be in any of the following activities:

A. budgeting and long range planning for customer service;

B. customer advocate liaison within a company;

C. assessing, measuring, and defining customer expectation for future applications; and

D. development and implementation of procedural processes and subsequent applications for customer service.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute education in items A to D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. The education may not substitute for the 4,000 hours of management/supervisory level occupational experience.

A. A bachelor's or higher degree with a major in business, management, or marketing may be substituted for 4,000 hours.

B. An associate degree in business, customer service, management, marketing, or supervision may be substituted for 2,000 hours.

C. A diploma or certificate in business, customer service, management, marketing, or supervision may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in customer service specific content. One hour of instruction equals one hour of occupational experience. One

Approved by Revisor _____

quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. The experience must be in customer service. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

~~3709.0110~~ 3700.0525 ELECTRONIC SERVICE/SALES REPRESENTATIVE.

[For text of subpart 1, see M.R.]

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** ~~An~~ The applicant must have 8,000 hours of ~~verified~~ occupational experience in electronic-based applications as follows:

A. a minimum of 2,000 hours in commercial or industrial sales ~~and~~, installation, and maintenance or troubleshooting equipment; and

B. a minimum of 2,000 hours in customer needs analysis including equipment determination and selection, hardware configuration, product presentation, and demonstration or account management.

Subp. 4. **Substitution for occupational experience.** ~~An~~ The applicant may substitute the education described in item A, B, or C for up to 4,000 hours of occupational experience required under subpart 3. The education must be from an accredited postsecondary institution. An applicant cannot substitute for the 2,000 hours of experience required in subpart 3, item A.

A. A bachelor's or higher degree with a major in applied electrical engineering may be substituted for 4,000 hours.

B. An associate degree in electronics or electronic service/sales may be substituted for 2,000 hours.

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C. A diploma in electronics or electronic service/sales may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

Subp. 5. ~~Occupational-recency-substitution~~ Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or at an industrial setting ~~may-be-substituted~~ for 1,500 of the 2,000 hours required under part ~~3709.0500~~ 3700.0500, subpart ~~1, item A~~ 2, if the teaching is done during the five-year period. The teaching must be in electronics or electronic service/sales. Two hours of teaching equal one hour of occupational experience. An applicant cannot substitute for the 2,000 hours of experience required under subpart 3, item A.

3700.0530 FASHION MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a fashion management license may teach the fashion management program, retail management program, marketing careers core, fashion specific courses, and courses in the marketing occupational area in:

A. applied oral communications;

B. business ethics and legal issues;

C. human resource management;

D. interpersonal relations;

E. professional self-development; and

F. the following courses in any technical college area:

(1) applied sales strategies;

(2) inventory planning and control;

(3) marketing research fundamentals;

(4) principles of management;

(5) retail buying;

(6) retail principles;

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(7) retail trends;

(8) sales promotion/advertising;

(9) store layout and presentations;

(10) store operations;

(11) supervision fundamentals;

(12) telemarketing fundamentals; and

(13) visual merchandising.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience. Six thousand hours must be in all of the following:

A. product and/or customer service presentation;

B. supervision/management of human resources, and store or business operations;

C. promotion or advertising with intent to sell the product or service; and

D. business operations planning, forecasting, and analysis.

The remaining 2,000 hours must include the recency requirement of part 3700.0500, subpart 2, and must be in the area of fashion apparel and accessory, to include direct responsibility for the following: inventory control dollar and unit, merchandise pricing, layout of selling floor, retail financial applications, physical inventory, and sales.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute education described in items A to D for up to 4,000 of the 6,000 hours of occupational experience required in subpart 3, items A to D. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in business administration, business management, distributive education, marketing, merchandising, or retailing may be substituted for 4,000 hours.

B. An associate degree in management, marketing,

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merchandising, sales, or telemarketing may be substituted for 2,000 hours.

C. A diploma or certificate in management, marketing, merchandising, sales, or telemarketing may be substituted. A one-year program or a program of 45 quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in management, marketing, merchandising, sales, or telemarketing. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. The experience must be in fashion apparel and accessory sales and management. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

3700.0535 POSTAL SERVICE MANAGEMENT.

Subpart 1. **May teach.** An instructor with a postal service management license may teach postal service specific content in the postal service management program and may also teach postal specific courses throughout the technical college system.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have occupational experience in a classified United States Postal Service position as described in item A, B, or C.

A. 3,000 hours as a bargaining unit employee and 5,000 hours in an initial level supervisor position or above.

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The recency experience described in part 3700.0500, subpart 2, must be as an initial level supervisor or above.

B. 3,000 hours as a bargaining unit employee and 5,000 hours as a postal service training technician with sole training responsibility in an office of 200 or more employees. The recency experience described in part 3700.0500, subpart 2, must be as a postal service training technician with sole training responsibility in an office of 200 or more employees.

C. An associate degree in postal service management with 3,000 hours as a bargaining unit employee and 3,000 hours as an initial level supervisor or above. The recency experience described in part 3700.0500, subpart 2, must be as an initial level supervisor or above.

D. An associate degree in postal service management with 3,000 hours as a bargaining unit employee and 3,000 hours as a postal service training technician with sole responsibility in an office of 200 or more employees. The recency experience described in part 3700.0500, subpart 2, must be as a postal service training technician.

Subp. 4. **Substitution for recent occupational experience.** An applicant currently employed by the United States Postal Service may substitute teaching experience in postal service content in a postal service management program at an accredited postsecondary institution for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

~~3709.0150~~ 3700.0540 PREPARATION FOR SMALL BUSINESS OWNERSHIP.

[For text of subpart 1, see M.R.]

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing-area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** ~~An~~ The applicant must have 8,000 hours of ~~verified~~ occupational experience as a working proprietor or managerial level employee

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responsible for, and making decisions based on, sources and use of capital.

Subp. 4. **Substitution for occupational experience.** An The applicant may substitute the education described in item A, B, C, or D for up to 4,000 hours required under subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in marketing, business, or finance~~, or accounting~~ may be substituted for 4,000 hours.

B. An associate degree in ~~advertising, preparation for small business ownership, small business management, business marketing, accounting, retailing, fashion merchandising, hospitality management, manufacturing management, sales, finance, or insurance~~ business or marketing may be substituted for 2,000 hours.

C. A diploma in ~~advertising, fashion merchandising, professional and industrial sales, hotel motel management, general merchandising and retail sales, business to business telemarketing, marketing management, preparation for small business ownership, small business management, international marketing, sporting goods sales and management, financial services marketing, supermarket marketing and management, and hardware and home center management~~ business or marketing may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses or clock hours for credit in business, or marketing~~, distributive education, finance, or accounting~~ may be substituted.

One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. ~~Occupational recency substitution~~ Substitution for recent occupational experience. ~~Postsecondary~~ The applicant may substitute teaching experience in ~~small business management,~~

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primary program content at an accredited postsecondary institution or industrial setting in accounting, ~~practical business management, sales and marketing,~~ business management, ~~or~~ computer applications for small business management ~~may be substituted~~, and sales and marketing, for 1,500 of the 2,000 hours required under part ~~3709.0100~~ 3700.0500, subpart ~~1, item A~~ 2, if the teaching is done during the five-year period. Two hours of teaching equal one hour of occupational experience.

~~3709.0340~~ 3700.0545 PRODUCTIVITY TECHNICIAN/PRODUCTIVITY AND INVENTORY MANAGEMENT.

[For text of subpart 1, see M.R.]

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of ~~verified~~ occupational experience as a manager, facilitator, or trainer in two or more of the following:

A. management/employee involvement (MEI);

B. statistical process control (SPC);

C. quality assurance or quality control systems (QAQC);

D. problem solving/decision making techniques;

E. just in time techniques (JIT); and

F. production and inventory control.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in business administration or management, industrial engineering or management, economics, personnel management, organizational development, or marketing may be substituted for 4,000 hours.

B. An associate degree in production and inventory

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management, production technician, supervisory management, personnel management, manufacturing management, quality technician, business administration, or marketing management may be substituted for 2,000 hours.

C. A diploma in production and inventory management, productivity technician, supervisory management production technician, or marketing management may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit or seminars and workshops by professional organizations in transformation of American industry, manufacturing process, production and inventory management techniques, engineering drawings, quality assurance product development, work simplifications, organizational structure of business, material requirements planning, industrial master planning, capacity management, production activity management, inventory management, employee involvement, statistical process, problem solving, or socio-economic systems may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. ~~Occupational-recency-substitution~~ Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution, ~~or-at-an~~ industrial or military setting ~~may-be-substituted~~ for 1,500 of the 2,000 hours required in part ~~3709.0100~~ 3700.0100, subpart ~~1.-item-A~~ 2, if the teaching is done during this five-year period. The teaching must be in production and inventory management, productivity technician, supervisory management, statistical process control, quality assurance or quality control systems, participation management/employee involvement process, problem solving/decision making techniques, just in time techniques, or

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production/inventory control. Two hours of teaching equal one hour of occupational experience.

3700.0550 RETAIL MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a retail management license may teach the retail management program, marketing careers core, courses in the marketing area in:

A. applied oral communications;

B. business ethics and legal issues;

C. human resource management;

D. interpersonal relations;

E. professional self development; and

F. the following courses in any technical college area:

(1) applied sales strategies;

(2) inventory planning and control;

(3) marketing research fundamentals;

(4) principles of management;

(5) retail buying;

(6) retail principles;

(7) retail trends;

(8) sales promotion and advertising;

(9) store layout and presentations;

(10) store operations;

(11) supervision fundamentals;

(12) telemarketing fundamentals; and

(13) visual merchandising.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience. Six thousand hours must be in all of the following:

A. product and/or customer service presentation;

B. supervision/management of human resources, and store or business operations;

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C. promotion or advertising with intent to sell the product or service; and

D. business operations planning and forecasting analysis.

The remaining 2,000 hours must include the recency requirement in part 3700.0500, subpart 2, and be in retail sales and management with direct responsibility in the following areas: inventory control dollar and unit, merchandise pricing, layout of selling floor, retail financial applications, taking inventory, and retail sales.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute education described in items A to D for up to 4,000 of the 6,000 hours of occupational experience required in subpart 3, items A to D. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in marketing, business administration, business management, merchandising, retailing, or distributive education may be substituted for 4,000 hours.

B. An associate degree in marketing, management, merchandising, telemarketing, or sales may be substituted for 2,000 hours.

C. A diploma or certificate in sales, marketing, merchandising, management, or telemarketing may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in sales, marketing, merchandising, management, or telemarketing. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or

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industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. This teaching experience must be in retail sales and management. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

3700.0555 SALES MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a sales management license may teach the sales management program, marketing careers core, courses in the marketing area in:

A. applied oral communications;

B. business ethics and legal issues;

C. human resource management;

D. interpersonal relations;

E. professional self-development; and

F. the following courses in any technical college area:

(1) applied sales strategies;

(2) marketing research fundamentals;

(3) negotiation sales;

(4) principles of management;

(5) sales management;

(6) sales promotion and advertising;

(7) sales record management;

(8) supervision fundamentals;

(9) telemarketing fundamentals;

(10) territory management;

(11) visual merchandising; and

(12) wholesale buying and selling techniques.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience. Six thousand hours must be in all of the following:

A. product and/or customer service presentation;

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B. supervision/management of human resources, and store or business operations;

C. promotion or advertising with intent to sell the product or service; and

D. business operations planning, forecasting, and analysis.

The remaining 2,000 hours must include the recency requirement in part 3700.0500, subpart 2, and be in a nonretail store environment, industrial or institutional setting in multilevel marketing or telemarketing sales. The activities must include three of the following: individual or group sales, territory management, trade show presentation, bid and proposal writing, sales contract negotiations, account management, and sales and personal records management. A way to partially substitute for these hours is described in subpart 5.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute education described in items A to D for up to 4,000 of the 6,000 hours of occupational experience required in subpart 3, items A to D. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in business administration, business management, distributive education, marketing, merchandising, or retailing may be substituted for 4,000 hours.

B. An associate degree in management, marketing, merchandising, sales, or telemarketing may be substituted for 2,000 hours.

C. A diploma or certificate in management, marketing, merchandising, sales, or telemarketing may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in management, marketing, merchandising, sales, or telemarketing. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of

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occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. The experience must be in sales representation, sales management, or wholesale and industrial sales. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

~~3709.0320~~ 3700.0560 SUPERVISORY MANAGEMENT.

[For text of subpart 1, see M.R.]

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of ~~verified~~ occupational experience in a managerial level position including but not limited to budget development or control, employee selection and supervision, employee performance appraisal and evaluation, and assessment of employee training needs.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in business, marketing, or management may be substituted for 4,000 hours.

B. An associate degree in business, management, or marketing may be substituted for 2,000 hours.

C. A diploma in supervision or management programs. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

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D. The completion of courses for credit or clock hours for credit in business administration, business management, finance, human resource management, accounting, training and development, supervisory management, manufacturing management, and productivity and management. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. ~~**Occupational recency substitution**~~ **Substitution for recent occupational experience**. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or at an industrial setting may be substituted for 1,500 of the 2,000 hours required in part ~~3709.0100~~ 3700.0500, subpart ~~1, item A~~ 2, if the teaching is done during this five-year period. The teaching must be in management programs or courses that include supervision or management content. Two hours of teaching equal one hour of occupational experience.

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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 for Licensure Fees, Voluntary Surrender of Licenses and Letters of Approval; Marketing

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 the 22nd day of March, 1990.

That on the 22nd ~~th~~ day of March, 1990, 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 3700.0140, 3700.0150, 3700.0155 Licensure Fees, Voluntary Surrender of Licenses and Letters of Approval and 3700.0510 to 3700.0560 Marketing Rules 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 18 day of May, 1990.

Barbara M. Peterson

9920MKTF

BARBARA M. PETERSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNY
My Commission Expires Oct. 21, 1991

DEPARTMENT : ATTORNEY GENERAL - Bremer

STATE OF MINNESOTA

Office Memorandum

DATE : May 16, 1990

TO : GEORGIA POMROY
License Revision Specialist
State Board of Vocational Technical Education

FROM : CHARLES T. MOTTL
Assistant Attorney General

PHONE : 296-3854

SUBJECT : GENERAL LICENSURE RULES (FEES) 3700.0140 TO 3700.0155

Pursuant to your request, I have reviewed the above-entitled rules and am not able to approve them for the following reason.

The dates inserted on the Affidavit of Mailing the Notice of Intent to Adopt a Rule without a Public Hearing and Certificate of Mailing List do not properly reflect that which is required in the promulgation of a rule. The suggested form, which was used by your office, intends that the certification, mailing and notarization of the document all occur on the same date. In the case of these rules, it appears that the mailing actually took place on March 22, 1990 while the affidavit was prepared on the following day, March 23, 1990. As prepared, the Affidavit suggests that while the mailing list was accurate, complete and current as of the day following the mailing, there is no certification that the list was accurate, complete and current as of March 22, 1990, the actual date of mailing.

You should be able to correct the above-referenced deficiency as follows. First, amend the last line of the certification paragraph so that it reads:

complete and current as of the 22nd day of March, 1990.

Note that I have substituted the word "the" for "this" and substituted the date of mailing (March 22) for the date of notarization (March 23). Second, the second paragraph dealing with the mailing of the notice may remain as it is. Third, the notarization should read the date on which the mailer, Cindy Sklenar, signs and the notary notarizes.

If you have any questions regarding the foregoing, please feel free to contact me.

CTM/smo/.DJ5
Attachments

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 for Licensure Fees, Voluntary Surrender of Licenses and Letters of Approval; Marketing

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]

Cindy Sklenar, Administrative Support, 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 23rd day of March, 1990.

That on the 22nd day of March, 1990, 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 3700.0140, 3700.0150, 3700.0155 Licensure Fees, Voluntary Surrender of Licenses and Letters of Approval and 3700.0510 to 3700.0560 Marketing Rules 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.

Cindy Sklenar
[Name]

Admin. Support
[Title]

Subscribed and sworn to before me
this 23rd day of March, 1990.

Caroline E. Wisniewski

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

9920MKTF

Mailing List for Licensure Fees, Voluntary Surrender, and Letters of Approval and Marketing

March 20, 1990

1. Directors
2. Assistant Directors
3. Adult Extension Directors
4. Permanent Rule Making Mailing List (see attached)
5. General Advisory Committee (see attached)
6. Cabinet and Education Specialists (see attached list with addressees marked in pink)
7. Special committee members for marketing

~~2/6/90~~ 3-25-90

John Banks
Rochester Public Schools
615 SW Seventh Street
Rochester, MN 55092

Lydell Taylor
St. Cloud Area Learning Center
309 North 12 Street
St. Cloud, MN 55301

Thomas R. Braun
Internship Director
101 Headley Hall
St. Cloud State University
St. Cloud, MN 56301

Gary R. Callister
Northfield High School
1400 South Division Street
Northfield, MN 55057

William H. Kemp
College of Industry
St. Cloud State University
St. Cloud, MN 56301

Gary Engberg
Northeast Metro TC
3300 Century Avenue North
White Bear Lake, MN 55110

William R. Lundell
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William R. Force
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Blue Earth, MN 56013

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Glenn Cleveland
Burnsville High School
600 East Highway 13
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Lynn Salisbury, Director
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Charles Hopkins
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State of Minnesota

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Board of Vocational Technical Education

Proposed Permanent Rules Relating to Technical College Licenses

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., Thursday, April 26, 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. 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 either:

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

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
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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, Interim State Director
State Board of Vocational Technical Education

Rules as Proposed (all new material)

3700.0140 GENERAL PROVISIONS FOR VOCATIONAL LICENSURE.

Subpart 1. **Licenses requirement.** Licensed personnel shall meet licensure requirements set forth in *Minnesota Rules* pertaining to the licensure of technical college personnel for the areas in which such personnel practice.

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.

Subp. 2. **License issuance.** Licenses are issued by the licensure unit within the State Board of Vocational Technical Education.

Subp. 3. **Fees.** License fees are established by the State Board of Vocational Technical Education and are nonrefundable except in accordance with the rules of the State Board of Vocational Technical Education. A fee established by the State Board of Vocational Technical Education shall be charged to the applicant for each application. If a renewal and additional license category requests are submitted for review simultaneously, one processing fee covers both the renewal and the new categories. Effective after July 1, 1990, each application for the issuance, renewal, or voluntary surrender of a license to teach shall be accompanied by a processing fee in the amount of $50. When an applicant requests review by committee, an application must be submitted to the State Board of Vocational Technical Education in accordance with parts 3515.4100 to 3515.4400 and shall be accompanied by an additional processing fee to apply to the cost of the review in the amount of $100. Upon presentation of evidence by a government agency indicating that the applicant is unable to pay the petition fee, the fee may be waived by the State Board of Vocational Technical Education.

The fee shall be paid to the State Board of Vocational Technical Education who shall deposit it with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

The fees are nonrefundable for applicants not qualifying for a license. However, the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

Subp. 4. **License validity.** Licenses become valid on the date of approval by the State Board of Vocational Technical Education. An individual shall hold a license before receiving payment for services that require a license. If a processing error results in issuance of a license to an individual who does not meet rule requirements for the license, the license is invalid. It is the applicant's responsibility to return the license for corrections to the licensing unit of the State Board of Vocational Technical Education. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 nearest the date the license was approved.

Subp. 5. **Correlation of expiration dates.** If an applicant applies for and meets the requirements for an additional license which has the same renewal requirements as the applicant's existing license, the licensing unit will correlate the expiration dates.

When renewing an existing field, one of the following may occur for the purpose of correlating multiple expiration dates if the renewal conditions pertaining to both have been met and verified according to rules. Subsequent renewal will require compliance with customary renewal requirements.

A. Request renewal of another existing licensure field one year early.

B. Request that the expiring fields receive less than the full renewal period.

3700.0150 PROCEDURES FOR VOLUNTARY SURRENDER OF TECHNICAL COLLEGE LICENSES.

Subpart 1. **Materials required to surrender license.** The person holding a technical college teaching license granted by the State Board of Vocational Technical Education may voluntarily surrender the license by submitting to the licensing unit the following:

A. An application for voluntary surrender which specifies the license category or categories to be surrendered. This application must include the signatures of the district superintendent and the technical college director. The signatures will serve as verification to the State Board of Vocational Technical Education that the district superintendent and the technical college director have been notified of the applicant's intent to remove a category or categories from a license.

B. The applicants copy of the most recently issued license.

C. The required processing fee.

Subp. 2. **Voluntary surrender date.** When the licensing unit receives the materials listed in subpart 1, postmarked by January 1, the date of surrender is July 1 of that year. When the materials are postmarked after January 1, the date of surrender is July 1 of the following calendar year.

Subp. 3. **Withdrawal of request.** A request may be withdrawn by the applicant on or before December 31 of the year in which the request was made without refund of fee.

Subp. 4. **Notification.** Upon receipt of the signed application for voluntary surrender, the State Board of Vocational Technical Education will request in writing the copies of the applicant's original license from the offices of the district superintendent and technical college director. It is the responsibility of the applicant to file with the offices of the district superintendent and the technical college director the revised license.

Subp. 5. **When voluntary surrender is prohibited.** A person may not voluntarily surrender a license under any of the following circumstances:

A. the school board has begun proceedings to terminate the continuing contract, pursuant to *Minnesota Statutes*, section 125.12, subdivision 6 or 8, or 125.17, subdivision 4;

B. the State Board of Vocational Technical Education or its designee has begun proceedings to suspend or revoke the license pursuant to part 8700.7500 or *Minnesota Statutes*, sections 125.09 and 214.10; or

C. any educational agency or board has begun proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

Subp. 6. **Entrance license after voluntary surrender.** A person whose technical college license has been voluntarily surrendered may apply for entrance licensure in the category for which licensure was previously surrendered. An entrance license must be granted to the applicant if the following criteria are met:

A. a licensure rule exists in the category for which licensure was previously surrendered;

B. the applicant meets the entrance licensure criteria that are in effect for that category at the time of application; and

C. the required processing fee accompanies the application for entrance licensure.

Subp. 7. **Effect of voluntary surrender.** Nothing in subparts 1, 2, and 4 prohibits a person from holding or applying for a license in any other category upon surrender of a license in another category.

3700.0155 LETTERS OF APPROVAL.

Subpart 1. **Issuance.** The State Board of Vocational Technical Education may issue letters of approval under the conditions of subpart 3 that permit a licensed individual to undertake an assignment for which that individual is not currently licensed to resolve a hardship.

Subp. 2. **Hardship.** For letter of approval purposes, the state director's designee determines whether a hardship exists because of item A, B, or C subject to the conditions of subpart 3:

A. an immediate need exists due to an unexpected resignation, death, dismissal, or long-term leave of absence of a licensed staff member;

B. an immediate need exists due to the inability to recruit an individual who is licensable for the assignment and who is available for hire; or

C. an unavoidable situation exists that prevents the offering of needed instruction or service without resort to the letter of approval.

Subp. 3. **Conditions.** Letters of approval authorized by subpart 1 must be issued to a technical college director if the state director's designee finds that the conditions in this subpart are met:

A. the technical college director has requested a letter of approval in accordance with this part;

B. the technical college director has verified in writing that:

(1) a specific assignment vacancy exists that requires a technical college license in the licensure category for which a letter of approval is requested;

(2) reasonable recruitment efforts have been made, as specified by local policy;

(3) no person with appropriate technical college licensure who wishes to undertake the assignment is available for hire or reassignment to this area;

(4) no person who wishes to undertake the assignment and who has been placed on unrequested leave by the technical college has filed with the district a current technical college license that is valid for the assignment for which the letter of approval is requested; and

(5) the person for whom the request is made:

(a) holds a valid license issued by the State Board of Vocational Technical Education;

(b) is technically qualified for the assignment as evidenced by documentation of training or occupational experience of sufficient substance that in part would qualify for a full license in the requested licensure category without regard to the occupational recency and teacher education sequence provisions; and

(c) has had 12 clock hours of teaching techniques as determined by the local technical college if the request is in an instructional field.

Subp. 4. **Duration, renewal of letters of approval.** A letter of approval is valid for no longer than the rest of the fiscal year in which it is issued. A letter of approval involving the same individual and circumstance may be renewed only once and only if the

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conditions of subpart 3, items A and B, are met again. The renewal is valid for no longer than the rest of the school year in which the renewal is approved.

REPEALER. *Minnesota Rules*, parts 3515.0300 and 3515.0400, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Pollution Control Agency

Solid and Hazardous Waste Division

Adopted Permanent Rules Relating to Hazardous Waste

The rules proposed and published at *State Register*, Volume 14, Number 21, pages 1203-1210, November 20, 1989 (14 S.R. 1203) are adopted with the following modifications:

Rules as Adopted

7045.0075 PETITIONS.

Subp. 11. **Petition for additional treatability study quantities.** The commissioner may grant requests for quantity limits in excess of those specified in part 7045.0121, subpart 2, item A, for up to an additional 500 kilograms of nonacute hazardous waste, one kilogram of acute hazardous waste, and 250 kilograms of soils, water, or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation. Item A of this subpart prescribes the conditions which the petitioner must meet in order for the commissioner to grant a petition to increase the quantity limits for waste, destined for use in treatability studies, to a maximum of the limits described in this subpart. Item B of this subpart prescribes what the petition must contain.

B. The generator or sample collector must apply to the commissioner and provide in writing the following information:

(3) a description of the technical modifications or change in specifications that will be evaluated and the expected results; ~~and~~

(4) if a further study is required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and include what procedures or equipment improvements have been made to protect against further breakdowns; and

(5) any additional information requested by the commissioner which may reasonably be required to evaluate the petition.

7045.0121 TREATABILITY STUDY EXEMPTIONS.

Subp. 3. **Facilities and sample handling.** A mobile treatment unit may qualify as a laboratory or testing facility subject to requirements of this subpart. Where a group of mobile treatment units are located at the same site, the limitations specified in this subpart apply to the entire group of mobile treatment units involved in treatability studies collectively as if the group were one mobile treatment unit. Samples undergoing treatability studies and the laboratory or testing facility conducting the treatability studies, to the extent the facilities are engaged directly in treatability studies and are not otherwise subject to the Resource Conservation and Recovery Act, United States Code, title 42, section 6901 et seq. requirements, are not subject to any requirements of Code of Federal Regulations, title 40, part 124; parts 7045.0100 to 7045.0685 except this part and applicable references; parts 7045.1300 to 7045.1380; chapter 7001; or to the notification requirements of the Resource Conservation and Recovery Act, United States Code, title 42, section 6930, providing that the conditions in items A to K are met.

G. The facility maintains records for three years following completion of each treatability study conducted and these records track compliance with the limits on treatment rate, storage time, and quantity ~~limits~~ and also include the following information:

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 8th day of May, 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 3700.0140 General provisions for vocational licensure, 3700.0150 Procedures for Voluntary Surrender of Technical College Licenses and 3700.0155 Letters of Approval are approved and adopted and Minnesota Rules parts 3515.0300 and 3515.0400 are repealed pursuant to authority vested in the State Board of Vocational Technical Education by Minnesota Statutes 136C.04, Subdivision 9. Helen Henrie, the Interim State 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 8th day of May, 1990.

F B Daniel

Officer of the Board

Donna Anderson

Attest by one other Board member

9925SUR

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 Licensure Fees, Voluntary Surrender of Licenses, and Letters of Approval
Rules 3700.0140, 3700.0150, 3700.0155, and repeal of Rules 3515.0300 and 3515.0400

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 March 19, 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 March 22, 1990. (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. (7) No comments or submissions on the rule were received by the agency. One request for a Statement of Need and Reasonableness was 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: (8) The above-captioned rule is needed and reasonable.

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as 3700.0140, 3700.0150, 3700.0155 Postsecondary Vocational Teaching Licenses, Licensure Fees, Voluntary Surrender of Licenses, and Letters of Approval, are adopted and 3515.0300 and 3515.0400 are repealed this 9th day of May, 1990, pursuant to authority vested in the State Board of Vocational Technical Education by Minnesota Statutes, section 136C.04, Subdivision 9.

Helen Henrie 5/9/90

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

9930FEES

March 30, 1990

Michele Swanson
Commission Secretary
Legislative Commission to
Review Administrative Rules
55 State Office Building
St. Paul, MN 55155-1201

Dear Ms. Swanson:

I have enclosed the Statements of Need and Reasonableness for postsecondary vocational education staff published in the State Register March 19, 1990, pp. 2236 and 2245, per your request.

If you have any additional questions, please contact my office at 296-3929.

Sincerely,

Georgia Pomroy/cs

Georgia Pomroy,
Licensure Revision Manager

GP/cs

Enclosures

LCRAR

Legislative Commission to

Review Administrative Rules

Senator Gene Waldorf
Chair

Representative Peter Rodosovich
Vice-Chair

Maryanne V. Hruby
Director

March 27, 1990

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

Dear Ms. Pomroy:

You recently published a set of proposed rules relating to commercial occupation licensing and proposed permanent rules relating to technical college licenses. 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

If you have any questions please contact me.

Thank you.

Sincerely,

Michele Swanson
Commission Secretary

In the Matter of the Adoption of the Rule of the State Board of Vocational Technical Education Governing 3700.0140 to 3700.0155 Postsecondary Vocational Licensure, Licensure Fees, Voluntary Surrender of Licenses, and Letters of Approval

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: 5/21/90

9935FEES

Office of the Revisor of Statutes
Administrative Rules

MAR 2 1 1990

Paul M. Marinac
Assistant Deputy Revisor
296-0948

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

March 19, 1990

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

RE: File No. 1602

Dear Ms. Pomroy:

Enclosed are stripped copies 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,

Paul M. Marinac
mk

Paul M. Marinac