

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: December 4, 1990

TO: MARY LOU DRESBACK
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400

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

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to
Public Safety Officer's Survivor Grant Program

The above-referenced rule has been approved as to its legality by the Attorney General on December 3, 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 tne 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:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Nancy Joyer

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Public Safety Officer's Survivor Grant Program

Rules as Adopted

4830.8000 [Emergency] SCOPE.

Parts 4830.8000 to 4830.8040 [Emergency] govern state postsecondary education grants to spouses and dependent children of public safety officers killed in the line of duty.

4830.8010 [Emergency] ELIGIBLE INSTITUTIONS.

A student receiving a grant from the Public Safety Officer's Survivor Grant Program must attend a postsecondary institution that is an eligible institution as defined in Minnesota Statutes, section 136A.101, subdivision 4, and part 4830.0300, subparts 1 and 2, as limited by Minnesota Statutes, section 299A.45, subdivision 1.

4830.8020 [Emergency] ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

A. be enrolled in an eligible institution as specified in part 4830.8010 [Emergency];

B. not have received a baccalaureate degree, nor have been enrolled full time or the equivalent for eight semesters or 12 quarters, whichever occurs first; and

C. provide a copy of the certification of eligibility received from the commissioner of public safety to the eligible institution.

4830.8030 [Emergency] INSTITUTIONAL REQUEST AND DISBURSEMENT OF FUNDS FOR GRANTS.

Subpart 1. **Institutional request.** After verifying a student's eligibility, the institution must submit a written request to the executive director for payment of grant money for the student. A separate request must be submitted for each academic term the student is enrolled. A copy of the student's

certificate of eligibility from the commissioner of public safety must accompany the institution's first request for payment.

Subp. 2. **Deadline.** The request for grant money for a student must be received by the executive director no later than the last day of classes for the academic year for which grant money is requested.

Subp. 3. **Disbursement of funds.** An institution must not disburse grant money for a student unless the student is enrolled in or has completed the academic term for which payment is intended.

Subp. 4. **Refunds.** A grant award is made for a student's attendance at a specific institution for the nine-month academic year within the state fiscal year. If a recipient fails to enroll or reduces enrollment, the institution must refund the unused portion of the award to the executive director. Refunded money is available for awards to other eligible students.

4830.8040 [Emergency] PAYMENTS TO INSTITUTIONS.

Subpart 1. **Time of payment.** The executive director shall send grant money for an eligible student to the institution within 30 days of receipt of a request for payment, but not before July 1 of the academic year for which payment is intended.

Subp. 2. **Withholding payment.** The executive director shall withhold payment for a student until the institution's request for payment is complete and the student's eligibility is verified.

APPROVED AS TO LEGALITY

December 3, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatch
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 3 1990

Joan Anderson Growe
Secretary of State
4:19 pm

MJC

RULE REVIEW CHECKLIST

File No. 1758
DATE RECEIVED November 15, 1990
REVIEW DATE 11-26-90
DUE DATE 11-29-90
(DIS)APPROVED Nov 28 mjc
WITHDRAWN

Docket No. 05 0009 0138
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 11-20-90
REVISOR (DIS)APPROVED ✓
FILED W/SEC. OF STATE 11-29-90
RETURNED TO AGENCY 11-30-90

✓ Rule as adopted (4 copies)

Notice to Solicit Outside Information/Opinion (if applicable)
Date published in State Register
Comments

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution
September 11, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule *326.241 (Subd 2) (6) see notes
~~*326.241 (2) subd~~ Statutory Authority
Small Business Statement
undated Expenditure of public money statement
no signature Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
September 28, 1990 Dated 30/25 days before adoption
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
October 1, 1990 Date 30/25 days before adoption

180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply not new material repealing
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
November 13, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
November 13, 1990 Date

~~Written Requests, Submissions or Comments~~

✓ Declaration of Attorney
Louis Hoffman Name of SAAG representing agency

~~Notice of Submission to Attorney General (if applicable)~~

~~Affidavit of Mailing Notice to Attorney General (if applicable)~~

Emergency Rule
10 working Days

RULE REVIEW CHECKLIST

File No. 1758
DATE RECEIVED 11-21-90
REVIEW DATE
DUE DATE 12/7/90
(DIS)APPROVED 12-3-90
WITHDRAWN

Docket No. 05 0009 0448
ADOPTED W/O HEARING
EMERGENCY RULE ✓
TO REVISOR ON 11/26/90
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

Notice to Solicit Outside Information/Opinion (if applicable)
Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
September 20, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
Chap 591, Article 5 Sec 6 Statutory Authority
NA Small Business Statement
NA Expenditure of public money statement
9-20-90 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Oct 1, 1990 Dated (30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
Oct 1, 1990 Date (30/25 days before adoption

? see my note 180-day deadline from:
Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
? see my note effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
November 15, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Nov 15, 1990 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Nancy Joyer Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Subd. 4. **RENEWALS.** Each award must be given for one academic year and is renewable for a maximum of six semesters or nine quarters or their equivalent. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

Sec. 6. **[299A.46] RULES.**

The commissioner of public safety may adopt rules, including emergency rules, under chapter 14 to implement, coordinate, and administer sections 1 to 4. The higher education coordinating board may adopt rules, including emergency rules, to implement, coordinate, and administer section 5.

Sec. 7. **REPORTS.**

By February 1, 1991, the commissioner of public safety shall report to the chairs of the house appropriations and senate finance committees on the use of the educational benefits provisions and on any recommendations to change these provisions. The higher education coordinating board shall report on its expenditures as part of its 1991 biennial budget request.

Sec. 8. **REPEALER.**

Minnesota Statutes 1988, sections 176B.01, as amended by Laws 1989, chapter 289, section 2; 176B.02; 176B.03; 176B.04; and 176B.05, are repealed.

Sec. 9. **MONEY SET ASIDE.**

The higher education coordinating board shall set aside $100,000 appropriated for the state grant program under Minnesota Statutes, section 136A.121 for the purpose of section 5.

Sec. 10. **EFFECTIVE DATES.**

Sections 1 to 4, 6, and 8 are effective the day following final enactment. Section 5 is effective July 1, 1990, and applies to all eligible surviving dependents and spouses of public safety officers killed in the line of duty on or after January 1, 1973.

ARTICLE 6

MISCELLANEOUS

Section 1. Minnesota Statutes 1989 Supplement, section 16B.335, subdivision 2, is amended to read:

Subd. 2. **OTHER PROJECTS.** All other capital projects except for those contained in agency operations budgets, including building improvements, small

contract to recover any additional amounts due under the contract. Responsibility for insuring the property during the term of the contract must be on the seller. Before finalizing the purchase agreement, the board shall obtain the advisory recommendations of the chairs of the senate finance and house appropriations committees.

Sec. 12. **CONSUMER INFORMATION SYSTEM.**

The public post-secondary state governing boards, and private post-secondary colleges and occupational and technical institutions that enroll recipients of state grants, shall develop a consumer information system for occupational programs. The system must be based on student placement and must include all subbaccalaureate occupational programs and all programs that lead to an occupation requiring certification, licensure, or testing for entry. The first phase of the system must include all subbaccalaureate occupational programs. The higher education coordinating board must coordinate the development of the system and must report on it to the chairs of the house appropriations and the senate finance committees by February 15, 1991.

Sec. 13. **REPORT TO LEGISLATURE.**

The state board for community colleges shall report in the 1991 biennial budget document, recommendations for the appropriate administrative structure for a community college campus at Cambridge. In making its recommendations, the board shall review the combined administrative structure for the community colleges located in the Arrowhead and Clearwater regions of the state. The center at Cambridge will be designated as a community college if the legislature enacts an appropriation specifically for this purpose.

Sec. 14. **EFFECTIVE DATE.**

Sections 3 to 5, and 8 to 12 are effective the day following final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 4, 1990, 2:14 p.m.

CHAPTER 592—S.F.No. 1807

An act relating to Hennepin county; increasing and extending certain capital improvement bonding authority for Hennepin county; requiring a planning process; amending Minnesota Statutes 1989 Supplement, section 373.40, subdivision 4; Minnesota Statutes Second 1989 Supplement, section 373.40, subdivision 6; Laws 1989, chapter 245, section 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Stat. Authority Chapter 591 Article 5 Section 6

. . . . The higher education coordinating board may adopt rules, including emergency rules, to implement, coordinate, and administer section 5.

Effective dates Sec 10

Sections 1 to 4, 6, and 8 are effective the day following enactment. - ~~August 1, 1989~~

Sec 14 Signed by the governor May 4, 1990

180 days

May 4 through Nov 14, 1990 (14.29) *Adopted Nov. 15, 1990

= 190 days

10/31 = 180

11/15 = 195

Authority expires

Authority Expires

under ~~14.29~~ 14.29 subd 2 it states no agency may adopt an emergency rule later than 180 days after the effective date of the statutory authority. However 14.12 states that the agency must publish a Notice of Intent 180 days after the effective date of the Statutory authority. Since this is an emergency rule 14.29 applies and adopt means when the rule was adopted which is stated

136A. can issue bonds?

in the Findings of Fact

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : January 6, 1988

TO : JIM NICHOLS
Commissioner of Agriculture
ATTN: KEVIN STAUNTON
Special Assistant Attorney General

FROM :
MARTHA J. CASSERLY
Special Assistant
Attorney General Martha J. Casserly

PHONE :
296-6839

SUBJECT :
Emergency Rule Relating to Compensation for Crops Damaged or Destroyed by Elk

The above-captioned emergency rule has not been approved by the Attorney General because the rule was not adopted within 180 days after the effective date of the statutory authority for emergency rulemaking.

Minn. Stat. § 14.29, subd. 2 (1986) provides that:

> [N]o agency may adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in subdivision 3.[1/] If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general.

The authorizing statute for the emergency rule providing for compensation for crops damaged by elk is Minn. Stat. § 3.7371, subd. 7, which became effective June 3, 1987 (Laws of 1987, Chapter 373, sections 2 and 16). Thus, the 180 days for emergency rulemaking authority for this rule expired December 1, 1987.

However, the Commissioner of Agriculture did not sign the Findings of Fact, Conclusions, and Order Adopting the rule until December 10, 1987 and the rule was not submitted to the Attorney General until December 18, 1987, providing the proposed effective date of January 12, 1988.[2/]

1/ The exemption provided in this subdivision is not applicable to the present rule.

2/ Although Minn. Stat. § 14,29, subd 2, refers to the act of the agency "adopting" the rule, it further states that the time

(Footnote Continued)

Unless the 1988 Minnesota Legislature adopts statutory language providing new emergency rulemaking authority, the authority to adopt the above-captioned rule has expired and the rule may not become effective. However, the authority to adopt permanent rules has not expired, and your department might consider proceeding with the adoption of the permanent rules for this program.

If you have questions, do not hesitate to contact me.

MJC:sc

cc: Duane Harves
Maryann Hruby
Paul Marinac

(Footnote Continued)

limit of the section does not include any days used for review by the attorney general. Under the procedure detailed in the Attorney General rule, the agency "adopts" the rule before it is submitted to the Attorney General. Thus, the term "adopt" as used in section 14.29 is not the same as the agency's act of adopting the rule pursuant to the Attorney General rule subpart 2010.0400, I or J.

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Emergency Rules of the Minnesota Higher Education Coordinating Board Governing the Public Safety Officer's Survivor Grant Program

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

(1) Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rules is contained in Laws of Minnesota for 1990, Chapter 591, Article 5, Section 6. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in Minnesota Statutes, sections 14.29 to 14.36.

(2) All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. (3) Any comments must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-9656

(4) A copy of the proposed rule is attached to this notice. (5) A free copy of the proposed emergency rule is available by contacting Mary Lou Dresbach.

(6) The proposed emergency 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 emergency rule as noticed.

(7) Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the adopted rule, must submit the written request to Mary Lou Dresbach.

(8) The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will continue to be in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

9/20/90
Date

DAVID R. POWERS, Executive Director
Higher Education Coordinating Board

**Minnesota
Higher Education
Coordinating Board**

Suite 400
Capitol Square
550 Cedar Street
Saint Paul, Minnesota 55101

612-296-3974

November 16, 1990

Nancy Joyer
Special Asst. Attorney General
Office of the Attorney General
11th Floor, Bremer Tower
7th & Minnesota
St. Paul, MN 55101

Dear Nancy:

Enclosed you will find the documents required by the Attorney General for review and approval of Emergency Rules for the Prenursing Grants and Public Safety Officer's Survivor Grant Programs as administered by the Minnesota Higher Education Coordinating Board.

We are requesting that you provide a **Declaration of Counsel** as our representative in the Attorney General's office. In the past, our agency representative in the Attorney General's office has then forwarded these documents to the Attorney General for final approval. I trust you will do the same.

Enclosed you will find:

The Authorizing Resolutions of the Minnesota Higher Education Coordinating Board.

Four copies of the Emergency rules with certificates of approval as to form by the Revisor of Statutes as adopted. (No modifications were made to the proposed rules.)

The Notices of Intent to Adopt Emergency Rules.

The Affidavits of Mailing the Notices of Intent to Adopt Emergency Rules and the Certificates of Mailing List.

Photocopies of the Notices of Intent to Adopt Emergency Rules as published in the State Register.

Certificates of the Minnesota Higher Education Coordinating Board Resolutions Adopting the Emergency Rules.

Findings of Fact, Conclusions, and Order adopting the Emergency Rules.

RECEIVED

NOV 16 90

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101

The two comments received on the Public Safety Officer's Survivor Grant Program.

I appreciate your assistance in this process. Please contact me if you need anything else. I trust you will find everything in order.

Sincerely,

Mary Lou Dresbach

Mary Lou Dresbach
Administrative Liaison

Enclosures

Office of the Revisor of Statutes
Administrative Rules

Richard J. Sands
Senior Assistant Revisor
296-2798



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

October 1, 1990

Mary Lou Dresbach
Higher Education Coordinating Board
400 Capitol Square Building
St. Paul, MN 55101

RE: File No. 1731

Dear Ms. Dresbach:

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,

Richard J. Sands
ML

Richard J. Sands

CERTIFICATE OF THE
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

AUTHORIZING RESOLUTION

I, Charles Neerland, do hereby certify that I am a member and the Chairman of the Minnesota Higher Education Coordinating Board, 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 Minnesota Higher Education Coordinating Board duly and properly called and held on the 20th day of September, 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 David R. Powers, the Executive Director of the Minnesota Higher Education Coordinating Board, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt an Emergency rule governing the Public Safety Officer's Survivor Grant Program 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 20th day of September, 1990.

Charles S. Neerland
(Officer of the Board)

M. Storaas
(Attest by one other Board member)

Emergency Rules

Proposed Emergency Rules

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

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

Adopted Emergency Rules

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

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

Continued/Extended Emergency Rules

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

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Public Safety Officer's Survivor Grant Program

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rules is contained in *Laws of Minnesota for 1990*, Chapter 591, Article 5, Section 6. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-9656

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Mary Lou Dresbach.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the adopted rule, must submit the written request to Mary Lou Dresbach.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will continue to be in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 20 September 1990

David R. Powers, Executive Director
Higher Education Coordinating Board

Rules as Proposed (all new material)

4830.8000 [Emergency] SCOPE.

Parts 4830.8000 to 4830.8040 [Emergency] govern state postsecondary education grants to spouses and dependent children of public safety officers killed in the line of duty.

4830.8010 [Emergency] ELIGIBLE INSTITUTIONS.

A student receiving a grant from the Public Safety Officer's Survivor Grant Program must attend a postsecondary institution that is an eligible institution as defined in Minnesota Statutes, section 136A.101, subdivision 4, and part 4830.0300, subparts 1 and 2, as limited by Minnesota Statutes, section 299A.45, subdivision 1.

4830.8020 [Emergency] ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

A. be enrolled in an eligible institution as specified in part 4830.8010 [Emergency];

B. not have received a baccalaureate degree, nor have been enrolled full time or the equivalent for eight semesters or 12 quarters, whichever occurs first; and

C. provide a copy of the certification of eligibility received from the commissioner of public safety to the eligible institution.

4830.8030 [Emergency] INSTITUTIONAL REQUEST AND DISBURSEMENT OF FUNDS FOR GRANTS.

Subpart 1. **Institutional request.** After verifying a student's eligibility, the institution must submit a written request to the executive director for payment of grant money for the student. A separate request must be submitted for each academic term the student is enrolled. A copy of the student's certificate of eligibility from the commissioner of public safety must accompany the institution's first request for payment.

Subp. 2. **Deadline.** The request for grant money for a student must be received by the executive director no later than the last day of classes for the academic year for which grant money is requested.

Subp. 3. **Disbursement of funds.** An institution must not disburse grant money for a student unless the student is enrolled in or has completed the academic term for which payment is intended.

Subp. 4. **Refunds.** A grant award is made for a student's attendance at a specific institution for the nine-month academic year within the state fiscal year. If a recipient fails to enroll or reduces enrollment, the institution must refund the unused portion of the award to the executive director. Refunded money is available for awards to other eligible students.

4830.8040 [Emergency] PAYMENTS TO INSTITUTIONS.

Subpart 1. **Time of payment.** The executive director shall send grant money for an eligible student to the institution within 30 days of receipt of a request for payment, but not before July 1 of the academic year for which payment is intended.

Subp. 2. **Withholding payment.** The executive director shall withhold payment for a student until the institution's request for payment is complete and the student's eligibility is verified.

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Prenursing Grant Program

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rules is contained in *Laws of Minnesota for 1990*, Chapter 591, Article 4, Section 7. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-9656

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Higher Education Coordinating Board Governing the Public Safety Officer's Survivor Grant Program

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Louise Dresbach, 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 Minnesota Higher Education Coordinating Board rulemaking mailing list is accurate, complete, and current as of this 1st day of October, 1990.

That on the 1st day of October, 1990, at the city of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt an Emergency Rule 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 of the aforementioned mailing list.

Mary Louise Dresbach
Name

Administrative Liaison
Title

Subscribed and sworn to before me this 1st day of October, 1990.

Katherine A. Fisch
KATHERINE A. FISCH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 26, 1994

CERTIFICATE OF THE

HIGHER EDUCATION COORDINATING BOARD

RESOLUTION ADOPTING THE RULE

I, Mona Hintzman, do hereby certify that I am a member and the President of the Higher Education Coordinating Board, a board member 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 Higher Education Coordinating Board, duly and properly called and held on the 15th day of November, 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 rule relating to Public Safety Officer's Survivor Grants is approved and adopted pursuant to authority vested in the Higher Education Coordinating Board by MN Statutes 136A.04, Subd. 1(9).
>
> David R. Powers, the executive director of the Higher Education Coordinating Board, 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 subscribed my name this 15th day of November, 1990.

Mona Hintzman
Officer of the Board

Peter X Tugena
Attest by other Board member

STATE OF MINNESOTA

HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Public Safety Officer's Survivor Grants

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULE

(1) Notice of the Board's intent to adopt the above-entitled emergency rule was published in the State Register on October 1, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on October 1, 1990.

(2) All persons were given the opportunity to submit written comment on the rule for at least 25 days after notice of proposed rulemaking.

(4) Two comments on the rule were received by the agency in suuport of this program. No requests for notice of submission to the attorney general were received by the agency.

(6) NOW, THEREFORE, IT IS ORDERED that the rule identified as Public Safety Officer's Survivor Grant Program is adopted this 15th day of November, 1990, pursuant to authority vested in me by the Laws of Minnesota for 1989, Chapter 293, Section 21.

DAVID R. POWERS
Executive Director
Minnesota Higher Education
Coordinating Board

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Emergency
Rules Relating to Public Safety
Officer's Survivor Grant Program,
Minn. Rules Parts 4830.8000 to 4830.8040

Rec 11-21-90

DECLARATION OF COUNSEL

I, Nancy J. Joyer, Special 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 ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0448.

Nancy J. Joyer 11/20/90

Nancy J. Joyer
Special Assistant Attorney General

.BJ0

Dakota County Technical College

1300 East 145th Street • Rosemount, Minnesota 55068 • (612) 423-8380

Law Enforcement Training

Date: October 12, 1990

TO: Mary Lou Dresbach
MN Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capital Square Building

FROM: Justin J. Mortiz
Law Enforcement Training Coordinator

RE: Public Safety Officer' Survivor Grant Program

Dear Ms. Dresbach:

As Law Enforcement Training Coordinator for Dakota County Technical College, I wish to speak out in strong support of the Public Safety Officers Survivor Grant Program. I hold the responsibility for training hundreds of peace officers each in year in hopes that they will not also become a national statistic. I have attended the funerals of fallen public safety officers from both the police and fire professions. And I have watched their widows weep as their beloved was laid to rest.

This Grant Program will never replace those who have given their lives for all of us, but this must be done for their survivors, because those who have fallen can no longer do it themselves.

Sincerely,

Justin J. Mortiz

Justin J. Mortiz
Law Enforcement Training Coordinator
as

Dakota County Technical College

1300 East 145th Street • Rosemount, Minnesota 55068 • (612) 423-8456

Fire Service Training

Date: October 23, 1990

TO: Mary Lou Dresbach
MN Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capital Square Building

FROM: Paul J. Seleski
Fire Service Training Coordinator

RE: Public Safety Officer' Survivor Grant Program

Dear Ms. Dresbach:

As Fire Service Training Coordinator for Dakota County Technical College, I wish to speak out in strong support of the Public Safety Officers Survivor Grant Program. I hold the responsibility for training hundreds of firefighters each in year in hopes that they will not also become a national statistic. I have attended the funerals of fallen public safety officers from both the police and fire professions.

This Grant Program will never replace those who have given their lives for all of us, but this must be done for their survivors, because those who have fallen can no longer do it themselves.

Sincerely,

Paul J. Seleski
Fire Service Training Coordinator
mah

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Public Safety Officer's Survivor Grant Program

Rules as Proposed (all new material)

4830.8000 [Emergency] SCOPE.

Parts 4830.8000 to 4830.8040 [Emergency] govern state postsecondary education grants to spouses and dependent children of public safety officers killed in the line of duty.

4830.8010 [Emergency] ELIGIBLE INSTITUTIONS.

A student receiving a grant from the Public Safety Officer's Survivor Grant Program must attend a postsecondary institution that is an eligible institution as defined in Minnesota Statutes, section 136A.101, subdivision 4, and part 4830.0300, subparts 1 and 2, as limited by Minnesota Statutes, section 299A.45, subdivision 1.

4830.8020 [Emergency] ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

A. be enrolled in an eligible institution as specified in part 4830.8010 [Emergency];

B. not have received a baccalaureate degree, nor have been enrolled full time or the equivalent for eight semesters or 12 quarters, whichever occurs first; and

C. provide a copy of the certification of eligibility received from the commissioner of public safety to the eligible institution.

4830.8030 [Emergency] INSTITUTIONAL REQUEST AND DISBURSEMENT OF FUNDS FOR GRANTS.

Subpart 1. **Institutional request.** After verifying a student's eligibility, the institution must submit a written request to the executive director for payment of grant money for the student. A separate request must be submitted for each academic term the student is enrolled. A copy of the student's

Approved by Revisor

certificate of eligibility from the commissioner of public safety must accompany the institution's first request for payment.

Subp. 2. **Deadline.** The request for grant money for a student must be received by the executive director no later than the last day of classes for the academic year for which grant money is requested.

Subp. 3. **Disbursement of funds.** An institution must not disburse grant money for a student unless the student is enrolled in or has completed the academic term for which payment is intended.

Subp. 4. **Refunds.** A grant award is made for a student's attendance at a specific institution for the nine-month academic year within the state fiscal year. If a recipient fails to enroll or reduces enrollment, the institution must refund the unused portion of the award to the executive director. Refunded money is available for awards to other eligible students.

4830.8040 [Emergency] PAYMENTS TO INSTITUTIONS.

Subpart 1. **Time of payment.** The executive director shall send grant money for an eligible student to the institution within 30 days of receipt of a request for payment, but not before July 1 of the academic year for which payment is intended.

Subp. 2. **Withholding payment.** The executive director shall withhold payment for a student until the institution's request for payment is complete and the student's eligibility is verified.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Rules Relating to Public Safety Officer's Survivor Grant Program

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor