

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: July 11, 1991

TO: GERALD D. GARSKI
Board of Assessors

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Licensing

The above-referenced rule has been approved as to its legality by the Attorney General on June 24, 1991.

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.

MJM:sc
Enclosures
cc: James Neher
William Brown, Chief Judge
MaryAnn Hruby

MJM

RULE REVIEW CHECKLIST

File No. 1832
DATE RECEIVED 6-10-91
REVIEW DATE 6-19-91
DUE DATE 6-24-91
(DIS)APPROVED 6-24-91
WITHDRAWN

Docket No. 05.0009.0140
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 6-12-91
REVISOR (DIS)APPROVED 6-27-91
FILED W/SEC. OF STATE 6-27-91
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
December 24, 1990 Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
~~May 28, 1991~~ Date adopted January 11, 1991

✓ Proposed Rule
Revisor's Certificate

✓ Notice of Intent to Adopt Rule
270.47 Statutory Authority
NA Small Business Statement
NA Expenditure of public money statement
February 6, 1991 Signature

✓ Statement of Need and Reasonableness (if applicable)
Small Business Statement
✓ Fees - § 16A.128 obtained approval from finance

✓ Affidavit of Mailing Notice of Intent to Adopt Rule - wrote letters
April 3, 1991 Dated (30)/25 days before adoption
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
April 15, 1991 Date (30)/25 days before adoption

✓ 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)
effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
May 28, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
May 30, 1991 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
James Nobles Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

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

Board of Assessors

Adopted Permanent Rules Relating to Licensing

Rules as Adopted

1950.1020 LICENSURE.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **Review of licensing levels.** A county assessor may request that the board review the licensing level for a specific taxing jurisdiction within the assessor's county. The request must be in writing and should state the specific reasons the county assessor is requesting the review.

Subp. 4. **New hires; deadline for upgrading license.** A taxing jurisdiction requiring an assessor with a designation greater than certified Minnesota assessor may hire a person with a designation one level lower than the required designation. This person has one year from the date of hire, except for county assessors who have two years from the date of first hire, to attain the required level. An assessor who fails to obtain the required designation must be dismissed.

Subp. 5. **Reinstatement.** An assessor who has not been licensed for a period of five years must successfully complete course A, assessment laws, history and procedure, and pay both a reinstatement fee and the appropriate license fee before a license will be issued.

1950.1030 CERTIFIED MINNESOTA ASSESSOR (CMA).

A person assisting the assessor of a taxing jurisdiction in making assessment decisions must obtain the designation of certified Minnesota assessor within three years of employment. A local assessor employed by a township or city not requiring a higher level of licensure as shown in the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" must be certified before employment. Requirements for certified Minnesota assessor are given in items A to F.

[For text of items A to D, see M.R.]

E. One year's apprenticeship experience under a licensed assessor. In lieu of this requirement the board may consider alternate experience, such as employment in the appraisal field of another governmental agency, fee appraisal experience, or condemnation appraisal experience. Real estate sales experience is not considered as qualifying experience.

F. Application to the board, and the appropriate fee.

1950.1050 ACCREDITED MINNESOTA ASSESSOR (AMA).

An assessor employed by a township or city shown on the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" under the heading "Accredited" must obtain the accredited Minnesota assessor designation. A jurisdiction requiring this level of assessor may hire a certified Minnesota assessor specialist if the assessor obtains the required designation within one year of hire. An assessor who fails to obtain the required designation must be dismissed. Requirements for accredited Minnesota assessor are given in items A to F.

A. A passing grade on the following courses:

(1) course A, assessment laws, history, and procedures;

(2) course B, residential appraisal or alternatives as shown in part 1950.1030;

(3) course H, mass appraisal, or IAAO 301, mass appraisal of residential properties, or IAAO 302, mass appraisal of income producing properties, or IAAO correspondence course, mass appraisal of residential property, or IAAO 305, computer-assisted mass appraisal model building;

(4) IAAO 4, assessment administration; and

(5) one elective from the list of approved elective courses shown in the educational bulletin available from the board.

[For text of items B to F, see M.R.]

1950.1060 SENIOR ACCREDITED MINNESOTA ASSESSOR (SAMA).

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Contract points.** Contract points are earned as

follows:

[For text of items A and B, see M.R.]

C. At least one narrative appraisal must be written to meet the requirements of the contract method. Only one form appraisal can be used to meet the requirements of the contract method. All appraisals must receive a passing grade in order to earn points.

(1) form appraisal, 2 points;

(2) residential narrative appraisal, 7 points; and

(3) narrative appraisal on an income producing property such as commercial, industrial, or apartment property, 7 points.

[For text of item D, see M.R.]

[For text of subp 5, see M.R.]

1950.1070 FEES.

The board shall charge the following fees:

[For text of items A to G, see M.R.]

H. $20 for grading a form appraisal;

I. $50 for grading a narrative appraisal;

J. $20 for a reinstatement fee;

K. $15 for a record retention fee; and

L. $10 for an educational transcript.

Fees are reviewed annually by the board and set in accordance with Minnesota Statutes, sections 16A.128 and 214.06, which require boards to be self-sufficient.

1950.1080 CONTINUING EDUCATION.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. **Record retention.** An assessor who does not have the required continuing education units for issuance of a license, or for any other reason does not wish to obtain a license, may pay an annual record retention fee. The payment of this fee will keep the individual's files in a current status and enable the assessor to receive all mailings sent from the board. If neither a licensing fee or a record retention fee is

paid, the assessor's files will be purged from the system after a period of one year from the date the assessor's license expired. An assessor whose files have been purged must submit a reinstatement fee, the required license fee, and supply documentation of all required education if the individual wishes to be relicensed.

[For text of subp 5, see M.R.]

1950.1090 CONDUCT AND DISCIPLINE.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Outside activities.** Certain activities outside the scope of the assessor's office may give the appearance of a conflict of interest to the taxpayers of the assessor's jurisdiction. These activities include the performance of fee appraisals, tax representation or consultation, real estate sales, insurance sales, and property management. In order to avoid situations which could compromise the integrity of the assessor's office, each assessor applying for a license is required to list on the license application any for-profit outside activities such as those stated above. All employers of assessors engaged in outside activities will be notified of this fact by the board by December 31 of each year. Whether or not the assessor may continue the outside activities shall be a condition of the employer-employee agreement. The board will not specifically prohibit an assessor from engaging in these outside activities. An assessor who falsifies a license application by not listing outside activities is subject to the penalties shown in subpart 2.

APPROVED AS TO FORM AND LEGALITY

June 24 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 27 1991

Joan Anderson Growe
Secretary of State

8:27

STA
DEP

JUN 27 1991

Joan Anderson Growe
Secretary of State

Stat Authority 270.47

The board shall ~~stabl~~ establish the rules necessary to accomplish the purpose of section 270.41, and shall establish criteria required of accessing officials in the state.

F

STATE OF MINNESOTA

BOARD OF ASSESSORS

In the Matter of the Proposed Adoption of Rules Governing the Licensure, Education and Conduct of Assessors

Statement of Need and Reasonableness

INTRODUCTION

The above captioned matter is being proposed in order to update the rules of the Board of Assessors. These rules, captioned as M.R. 1950.1000-1950.1090, were adopted by the Board in May of 1989. The adoption of the rules marked the first time the Board of Assessors had published a comprehensive set of rules governing the licensure, education, and conduct of Minnesota assessors. As with all matters of this kind, after the rule is published, errors and omissions are noted which must be corrected by subsequent rule-making procedures. The major purpose of this proposed rule is to correct errors present in the current rules, add language which was omitted during the first rule-making procedure, and address problems which have occurred since 1989.

This document has been prepared as a verbatim affirmative presentation of the facts necessary to establish the statutory authority, need, and reasonableness of the proposed new rule. It is prepared and submitted pursuant to Minnesota Statutes 14.23 and Minnesota Rule 2010.0700 which require a Statement of Need and Reasonableness for all proposed rules.

A Notice of Intent to Solicit Outside Opinion in the preparation of these proposed rules was published in the State Register on December 24, 1990. In addition, a newsletter entitled From the Board, containing a reproduction of the Notice of Intent to Solicit Outside Opinion, was mailed on January 3, 1991, to all licensed Minnesota assessors. Written and oral comments were received from a number of assessors and were duly considered by the Board in the preparation of these rules. Copies of all written comments and suggestions received by the Board will be submitted to the Attorney General for his review prior to the final adoption of the proposed rule.

Statutory Authority to Adopt Rules

M.S. 270.40 through 270.51 establish the Board of Assessors and describe its composition, duties, power, and responsibilities. A portion of this legislation, specifically M.S. 270.47, states that, *"The board shall establish the rules necessary to accomplish the purpose of section 270.41, and shall establish criteria required of assessing officials in the state."* Additionally, the 1988 legislature in Chapter 719, Article 7, Section 2 enacted the

following amendment to M.S. 270.41, *"The board of assessors may adopt rules under chapter 14 defining or interpreting grounds for refusing to grant or renew, and for suspending or revoking a license under this section."* The promulgation of the proposed rules governing the licensure, education, and conduct of assessors is encompassed within the statutory authority listed above.

Need and Reasonableness of the Proposed Rules

These proposed revisions and additions to the existing rules of the Board of Assessors have nine parts. Each revision or addition has been carefully considered by the Board and is now being proposed in order to correct errors or omissions in the current rules, or to address a problem which was brought to the attention of the Board since the adoption of the current rules in 1989. Each of the nine revisions will be addressed separately and a rationale given for the adoption of each one.

The first change to the current rules is an addition to **Part 1950.1020 LICENSURE Subp. 3, Criteria for licensing levels.** The current rules state that the licensing level of a particular taxing jurisdiction is dependent upon four criteria; market value, population, commercial properties and the recommendation of the county assessor. From time to time conditions within a taxing jurisdiction may change and the value of these criteria vary from the values originally used to establish the jurisdiction's licensing level. If this happens the Board believes that the County Assessor should have the option to petition the Board and ask that the licensing level be reviewed for a particular taxing jurisdiction. Thus the Board proposes that the following new language be added to the current rules, *"A county assessor may request that the board review the licensing level for a specific taxing jurisdiction within his county. The request must be in writing and should state the specific reasons the assessor is requesting the review."* This proposal is reasonable in that one of the original criteria used to establish the licensing levels was the recommendation of the county assessor. This new language merely gives the assessor the opportunity to make a new recommendation. It is necessary because it provides a mechanism for licensing levels to be adjusted when changing conditions warrant a change.

The second revision is a change that is necessary to keep the rules in compliance with state law. The current rules state in **Part 1950.1020 LICENSURE, Subp. 4, New hires; deadline for upgrading license.** *A taxing jurisdiction requiring an assessor with a designation greater than certified Minnesota assessor may hire a person with a designation one level lower than the required designation. This person has one year from the date of hire to attain the required level. An assessor who fails to obtain the required designation must be dismissed.* Note that the rule states that a person has one year from the date of hire to attain the required license level. The 1989 Legislature amended M.S. 270.485 which deals with the licensing level needed by county assessors. This amendment provides that ... *"every county assessor within two years of the first appointment.....must obtain senior accreditation from the state board of assessors."* Since the current rules

provide for only a one year grace period they are in conflict with state law and must be revised in order to conform. Thus the Board proposes to add this phrase to the current rules. *"This person has one year from the date of hire, except for county assessors who have two years from the date of first hire, to attain the required level."* Obviously this addition is both needed and reasonable.

The third revision is also to **Part 1950.1020 LICENSURE** and provides a structured re-entry procedure for an assessor who has been absent from the assessment field for a number of years. The proposed rule provides that if an assessor has been unlicensed for a period of five years or more he must take the basic assessment course entitled "Week A: Assessment Laws, History and Procedures," pay a reinstatement fee and a license fee before he can be issued a current license. Since the laws regarding property taxation change with almost every legislative session it is important for assessors to keep abreast of the latest developments. This is one of the primary reasons the Board mandates continuing education for assessors. An assessor who has been out of the field for a five year period has not had the benefit of this continuing education and needs to be updated on law changes and policy decisions. Week A provides a mechanism to update the assessor on changes and developments and thus the requirement that an assessor successfully complete Week A is both reasonable and needed. The payment of the two fees will be addressed in another portion of this document.

The fourth revision is an addition to **Part 1950.1030 CERTIFIED MINNESOTA ASSESSOR.** The Board is proposing to add the following language to the current rules: *"Requirements for certified Minnesota assessor are.....one year's apprenticeship experience under a licensed assessor. In lieu of this requirement the board may consider alternate experience such as; employment in the appraisal field of another governmental agency, fee appraisal experience, or condemnation appraisal experience. Real estate sales experience will not be considered as qualifying experience."* This addition will rectify an oversight made by the Board in the drafting of the original rules. This language enables persons who are trained in appraising property an entry into the assessment profession without the one year apprenticeship requirement. The Board is not proposing to eliminate any educational requirements, even though many of the persons having appraisal experience may well meet all of the educational requirements, it is simply recognizing the fact that some types of appraisal experience are equivalent to assessment experience. The Board believes this proposal is reasonable and necessary to assure a pool of qualified persons entry into the assessment profession. The Board also believes that real estate sales experience, while valuable, does not meet the spirit of this one year experience requirement because the emphasis is on selling, not on establishing value.

The fifth revision is an addition to **Part 1950.1050 ACCREDITED MINNESOTA ASSESSOR.** In order to earn this designation a person must successfully complete a number of educational courses. In drafting the original rule, two courses which are acceptable in meeting this educational requirement, were inadvertently excluded from the rule. The Board now

proposes to correct this omission by allowing the International Association of Assessing Officers (IAAO) course 305: Computer Assisted Mass Appraisal Model Building and IAAO correspondence course: Mass Appraisal of Residential Property as acceptable alternates to the successful completion of the Board sponsored Course H: Techniques of Mass Appraisal.

The sixth proposed revision is to **Part 1950.1060 SENIOR ACCREDITED MINNESOTA ASSESSOR (SAMA).** This part details the process whereby an individual may earn the designation of SAMA. There are two methods of earning this designation, the specific and the contract points method. The contract points method enables an assessor to earn this designation if he earns at least 34.6 points in addition to meeting a number of other requirements. Points are earned for assessment experience, education, educational course development, teaching, writing narrative appraisals, papers, presentations and a number of other assessor related activities. In drafting the original rules no point allowance was made for submitting an acceptable form appraisal to the Board. The submission of an acceptable form appraisal is a requirement for the designation of Certified Minnesota Assessor Specialist and is definitely an educational and learning experience for assessors. In order to correct this oversight the Board is now proposing that the submission of an acceptable form appraisal be given two (2) points toward the contract method of earning the SAMA designation. The Board believes the amount of points given for these form reports is reasonable in light of the time and knowledge needed to prepare an acceptable report, and the granting of points is necessary in order to correct an oversight by the Board when the original rules were adopted.

The seventh proposed change is to **Part 1950.1070 FEES.** The board is proposing to establish three new fees. These fees are: a $20 reinstatement fee, a $15 record retention fee and a $10 educational transcript fee. M.S. 270.44 states that, *"The board may establish reasonable fees or charges for course examinations or materials the proceeds of which shall be used to finance the activities and operation of the board."* Thus, the board is empowered to set fees. The question then becomes whether or not the proposed fees listed in Part 1950.1070 are reasonable. M.S. 214.06 states:

> *"Subdivision 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 that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.123."*

The proposed fees have been submitted to the commissioner of finance for his review as required by M.S. 16A.128, which states:

> *"Subd. 1a. Approval. Fees for accounts for which appropriations are made may not be established or adjusted*

without the approval of the commissioner. If the fee or fee adjustment is required by law to be fixed by rule, the commissioner's approval must be in the statement of need and reasonableness. These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function."

The commissioner of finance, after reviewing the proposed fees, has approved them as reasonable and proper in keeping with the provisions of M.S. 16A128 and M.S. 214.06, which provide that the fees must be set at a level which makes the board self sufficient. The proposed fees meet that requirement.

The eighth proposed change is to **Part 1950.1080 CONTINUING EDUCATION** and involves the issue of record retention for unlicensed assessors. This issue is one which came to light after the current rules were adopted in 1989. The question of how long to retain the files of inactive assessors within the Board's record keeping system, and if any charge should be made for retaining the records, was presented to the Board. In order to answer this question and establish a formal policy the Board is proposing the following new language:

Subp. 5. Record Retention. An assessor who does not have the required CEU's for issuance of a license, or for any reason does not wish to obtain a license may pay an annual record retention fee. The payment of this fee will keep the individual's files in a current status and enable the assessor to receive all mailings sent from the board. If neither a licensing fee or a record retention fee is paid, the assessor's files will be purged from the system after a period of one year from the date the assessor's license expired. An assessor whose files have been purged must submit a reinstatement fee, the required license fee and supply documentation of all required education if he wishes to be re-licensed.

The Board believes this addition to the rules is reasonable because it enables assessors to keep their Board file active without the cost or educational requirements of licensing. Additionally, it establishes a firm date for purging the assessor's file from the Board's system and enables the Board to practice good record management techniques. The addition is necessary because it resolves a question brought to the Board by means of a positive action and statement of policy.

The final revision to the rules is an addition to **Part 1950.1090 CONDUCT AND DISCIPLINE.** Assessors are public figures engaged in a process which imposes a tax on property owners. Human nature dictates that most people do not like to pay taxes, and many are unfriendly to those engaged in taxing

them. This means that many assessors are closely watched by hostile witnesses. Some assessors may have outside activities which to these witnesses appear to be inappropriate to the assessor's office or a conflict of interest. The Board receives periodic complaints concerning these outside activities. One remedy which has been proposed to the Board is to ban assessors from many outside activities. The Board has chosen not to pursue this negative course of prohibition. The Board believes that the issue of outside employment is best settled between employer and employee. To this end the Board is proposing the following new language:

> *"Subp. 6. Outside activities. Certain activities outside of the assessor's office may give the appearance of a conflict of interest to the taxpayers of the assessor's jurisdiction. These activities include the performance of fee appraisals, tax representation or consultation, real estate sales, insurance sales and property management. In order to avoid situations which could compromise the integrity of the assessor's office each assessor applying for a license will be required to list on his license application any for-profit outside activities such as those stated above. All employers of assessors engaged in outside activities will be notified of this fact by the Board by December 31, of each year. Whether or not the assessor may continue the outside activities shall be a condition of the employer-employee agreement. The Board will not specifically prohibit any assessor from engaging in these outside activities. Any assessor who falsifies his license application by not listing his outside activities shall be subject to the penalties shown in Subp. 2."*

The Board believes this addition to the rules is necessary because it attempts to remedy a situation which has caused problems for assessors in the past. It is a reasonable addition to the rules because the Board is not eliminating any right or privilege the assessor enjoys, it is simply letting the assessor's primary employer know that the assessor is engaged in certain outside activities which may give the hint of impropriety to the public. If the employer wishes to limit these outside activities that will be his choice.

In summary, the Board has proposed a number of revisions to the current rule governing the licensure, education and conduct of assessors. Some of the proposals are to correct errors, some to rectify omissions and some to resolve problems. The Board believes all the revisions are the product of careful consideration and discussion. The proposed revisions are necessary to make the rule of the Board of Assessors a viable instrument of policy; with the announced aim of that policy to insure that the taxpayers of Minnesota are served by capable assessors with integrity and professionalism.

COUNTY ROADS

NOBLES COUNTY

- C.S.A.H. 3 from County Road 51 to C.S.A.H. 21. (12 MONTH).
- C.S.A.H. 21 from C.S.A.H. 3 to T.H. 264. (12 MONTH).

Dated this 14th day of December. 1990

Leonard W. Levine
Commissioner

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Board of Assessors

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Licensure, Education and Conduct of Assessors

NOTICE IS HEREBY GIVEN that the Board of Assessors is seeking information or opinions from sources outside the agency in preparing to propose amendments to the existing rules governing the licensure, education and conduct of assessors. The adoption of the rule is authorized by *Minnesota Statutes*, section 270.41(c), and 270.47, which permit the agency to adopt all rules necessary to accomplish the licensing and education of assessors and specifically to establish the grounds for refusing to grant, renew, suspend or revoke an assessor's license.

The Board of Assessors requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Gerald D. Garski
Minnesota Department of Revenue
Board of Assessors
Mail Station 3340
St. Paul, Minnesota 55146-3340

Oral statements will be received during regular business hours over the telephone at (612) 296-0209 and in person at:

Department of Revenue
Local Government Services Division
10 River Park Plaza
St. Paul, Minnesota 55146

All statements of information and opinions shall be accepted until January 31, 1991. Any written information received by the Board of Assessors shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Gerald D. Garski, Secretary
Board of Assessors

Department of Health

Notice of Completed Application and Notice of and Order for Hearing Before the Commissioner of Health in the Matter of the License Application of Fosston Hospital Association, Fosston, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application

J

RESOLUTION ADOPTING THE RULE

I, Stephen Behrenbrinker, do hereby certify that I am a member and the Chairman of the Board of Assessors, 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 Board of Assessors, duly and properly called and held on the 28th day of May, 1991, 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 the Licensure, Education and Conduct of Assessors is approved and adopted, pursuant to authority vested in the Board of Assessors by Minnesota Statutes 270.41 and 270.47. Gerald D. Garski, a member and Secretary-Treasurer, of the Board of Assessors, 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 28th day of May, 1991.

Stephen C. Behrenbrinker
CHAIRMAN OF THE BOARD

VICE CHAIRMAN OF THE BOARD

State of Minnesota

Minnesota Department of Revenue
Board of Assessors
Mail Station 3340
Saint Paul, Minnesota 55146-3340
Phone: 612-296-0209
FAX: 612-297-2166

June 10, 1991

Office of the Attorney General
Public Finance Division
525 Park Street - 4th Floor
St. Paul, Minnesota 55103

Dear Sirs:

Enclosed please find the following documents necessary for your review of the proposed adoption of a rule governing the licensure, education and conduct of assessors.

1) A copy of the notice of intent to solicit outside information and opinions regarding the proposed rules as published in the State Register.

2) A copy of a resolution of the Board of Assessors authorizing Gerald D. Garski to act for the Board in the matter of adopting a rule governing the licensure, education and conduct of assessors.

3) A copy of the proposed rule approved as to form by the Revisor of Statutes.

4) A copy of the approval, by the Commissioner of Finance, of the fees set forth in the proposed rules.

5) Copies of letters sent to the Chairman of the House Appropriations Committee and the Senate Finance Committee notifying them of the proposed fees.

6) A copy of the notice of intent to adopt a rule without a public hearing. This notice was sent to all licensed Minnesota assessors.

7) A copy of the affidavit of mailing.

8) A copy of the statement of Need and Reasonableness.

9) A copy of the State Register showing the publication of the Notice of Intent to Adopt a Rule Without a Public Hearing as well as the publication of the proposed rules themselves.

AN EQUAL OPPORTUNITY EMPLOYER

10) A copy of "Equal Eyes" showing the publication of the Statement of Need and Reasonableness and the Notice of Intent to Adopt a Rule Without a Public Hearing.

11) Four copies of the rule as adopted. No changes have been made from the rule as proposed.

12) A file folder containing letters and comments received pursuant to the Notice of Intent to Adopt a Rule Without a Public Hearing. Note that only two (2) persons requested a public hearing.

13) A copy of the resolution of the Board approving and adopting the rule and authorizing Gerald D. Garski to act for the Board in matters pertaining to the adoption of the rules.

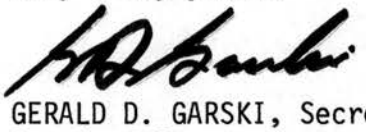
14) A copy of the findings of fact, conclusions and order adopting the rule.

15) A copy of the declaration of counsel.

Since no persons requested to be notified when the rules were submitted to the attorney general, no further documents should be necessary.

I hope this information meets with your approval. If you have any questions or need any additional information, please call me at 296-0205.

Very truly yours,



GERALD D. GARSKI, Secretary/Treasurer
Board of Assessors

GDG:vh/G1#49

Enclosures

C

CERTIFICATE OF THE
BOARD OF ASSESSORS
AUTHORIZING RESOLUTION

I, Stephen Behrenbrinker, do hereby certify that I am a member and the Chairman, of the Board of Assessors, 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 Board of Assessors duly and properly called and held on the 11th day of January, 1991, 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 Gerald D. Garski, a member of the Board of Assessors, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing the Licensure, Education and Conduct of Assessors 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 WHEROF, I have hereunto subscribed my name this 11th day of January, 1991.

Stephen A. Behrenbrinker
Chairman

Vice Chairman

Board of Assessors

Proposed Permanent Rules Relating to Licensing

Rules as Proposed

1950.1020 LICENSURE.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **Review of licensing levels.** A county assessor may request that the board review the licensing level for a specific taxing jurisdiction within the assessor's county. The request must be in writing and should state the specific reasons the county assessor is requesting the review.

Subp. 4. **New hires; deadline for upgrading license.** A taxing jurisdiction requiring an assessor with a designation greater than certified Minnesota assessor may hire a person with a designation one level lower than the required designation. This person has one year from the date of hire, except for county assessors who have two years from the date of first hire, to attain the required level. An assessor who fails to obtain the required designation must be dismissed.

Subp. 5. **Reinstatement.** An assessor who has not been licensed for a period of five years must successfully complete course A, assessment laws, history and procedure, and pay both a reinstatement fee and the appropriate license fee before a license will be issued.

1950.1030 CERTIFIED MINNESOTA ASSESSOR (CMA).

A person assisting the assessor of a taxing jurisdiction in making assessment decisions must obtain the designation of certified Minnesota assessor within three years of employment. A local assessor employed by a township or city not requiring a higher level of licensure as shown in the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" must be certified before employment. Requirements for certified Minnesota assessor are given in items A to F.

[For text of items A to D, see M.R.]

Approved by Revisor

E. One year's apprenticeship experience under a licensed assessor. In lieu of this requirement the board may consider alternate experience, such as employment in the appraisal field of another governmental agency, fee appraisal experience, or condemnation appraisal experience. Real estate sales experience is not considered as qualifying experience.

F. Application to the board, and the appropriate fee.

1950.1050 ACCREDITED MINNESOTA ASSESSOR (AMA).

An assessor employed by a township or city shown on the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" under the heading "Accredited" must obtain the accredited Minnesota assessor designation. A jurisdiction requiring this level of assessor may hire a certified Minnesota assessor specialist if the assessor obtains the required designation within one year of hire. An assessor who fails to obtain the required designation must be dismissed. Requirements for accredited Minnesota assessor are given in items A to F.

A. A passing grade on the following courses:

(1) course A, assessment laws, history, and procedures;

(2) course B, residential appraisal or alternatives as shown in part 1950.1030;

(3) course H, mass appraisal, or IAAO 301, mass appraisal of residential properties, or IAAO 302, mass appraisal of income producing properties, or IAAO correspondence course, mass appraisal of residential property, or IAAO 305, computer-assisted mass appraisal model building;

(4) IAAO 4, assessment administration; and

(5) one elective from the list of approved elective courses shown in the educational bulletin available from the board.

[For text of items B to F, see M.R.]

1950.1060 SENIOR ACCREDITED MINNESOTA ASSESSOR (SAMA).

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Contract points.** Contract points are earned as

Approved
by Revisor _____

follows:

[For text of items A and B, see M.R.]

C. At least one narrative appraisal must be written to meet the requirements of the contract method. Only one form appraisal can be used to meet the requirements of the contract method. All appraisals must receive a passing grade in order to earn points.

(1) form appraisal, 2 points;

(2) residential narrative appraisal, 7 points; and

~~(2)~~ (3) narrative appraisal on an income producing property such as commercial, industrial, or apartment property, 7 points.

[For text of item D, see M.R.]

[For text of subp 5, see M.R.]

1950.1070 FEES.

The board shall charge the following fees:

[For text of items A to G, see M.R.]

H. $20 for grading a form appraisal; ~~and~~

I. $50 for grading a narrative appraisal;

J. $20 for a reinstatement fee;

K. $15 for a record retention fee; and

L. $10 for an educational transcript.

Fees are reviewed annually by the board and set in accordance with Minnesota Statutes, sections 16A.128 and 214.06, which require boards to be self-sufficient.

1950.1080 CONTINUING EDUCATION.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. **Record retention.** An assessor who does not have the required continuing education units for issuance of a license, or for any other reason does not wish to obtain a license, may pay an annual record retention fee. The payment of this fee will keep the individual's files in a current status and enable the assessor to receive all mailings sent from the board. If neither a licensing fee or a record retention fee is

Approved by Revisor _____

paid, the assessor's files will be purged from the system after a period of one year from the date the assessor's license expired. An assessor whose files have been purged must submit a reinstatement fee, the required license fee, and supply documentation of all required education if the individual wishes to be relicensed.

[For text of subp 5, see M.R.]

1950.1090 CONDUCT AND DISCIPLINE.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Outside activities.** Certain activities outside the scope of the assessor's office may give the appearance of a conflict of interest to the taxpayers of the assessor's jurisdiction. These activities include the performance of fee appraisals, tax representation or consultation, real estate sales, insurance sales, and property management. In order to avoid situations which could compromise the integrity of the assessor's office, each assessor applying for a license is required to list on the license application any for-profit outside activities such as those stated above. All employers of assessors engaged in outside activities will be notified of this fact by the board by December 31 of each year. Whether or not the assessor may continue the outside activities shall be a condition of the employer-employee agreement. The board will not specifically prohibit an assessor from engaging in these outside activities. An assessor who falsifies a license application by not listing outside activities is subject to the penalties shown in subpart 2.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensing

AGENCY: Board of Assessors

MINNESOTA RULES: Chapter 1950

The attached rules are approved for
publication in the State Register

Janet M. Rahm
Senior Assistant Revisor

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : March 4, 1991

TO : Gerald D. Garski, Secretary Treasurer
Board of Assessors
Department of Revenue

FROM : Bruce J. Reddemann, Director BJR
Budget Operations and Support

PHONE : 296-5188

SUBJECT : Proposed Fee Schedule

The following fee schedule is approved as proposed to fund Board activities as submitted per your memorandum of February 14, 1991, to Emmett Metzger.

FEES FOR ASSESSORS

FEE	APPROVED PROPOSED AMOUNT
Reinstatement	$ 20
Record Retention	15
Educational Transcript	10

cc: Ron Hackett
Emmett Metzger
Glenn Olson

SF-00006-05 (4/86)

DEPARTMENT : OF REVENUE

STATE OF MINNESOTA

Office Memorandum

DATE : February 14, 1991

TO : Emmett Metzger
Executive Budget Officer
Department of Finance

FROM : Gerald D. Garski
Secretary Treasurer
Board of Assessors

PHONE : 296-0209

SUBJECT : APPROVAL OF FEES

The Board of Assessors is proposing to adopt rules which provide for the imposition of three new fees. These new fees are: a $20.00 reinstatement fee, a $15.00 record retention fee and a $10.00 educational transcript fee. Minnesota Statutes 16A.128 requires that these fees be approved by the Commissioner of Finance. Pursuant to this requirement I present the following infomation:

FEE	Estimated Number Paying Fee Per Year	Estimated Amount of Fees
$20 Reinstatement	$5	$100
$15 Record Retention	5	75
$10 Educational Trancscipt	5	50
	Total	$225

These three new fees are being proposed in order to comply with the provisions of M.S. 214.06 which requires that fees be changed which attempt to cover the costs of services provided by Boards to their constituency. We believe these new fees are both reasonable and necessary to insure that the Board continues to generate revenue from fees which as closely as possible equal anticipated expenses.

For your information, the administrative budget of the Board of Assessors for fiscal year 1991 was $56,676.00. The estimated amount of money generated by fees already imposed by the Board's rules is $62,000.

Will you please send your approval of these fees to my attention at your earliest opportunity. If you have any questions, please feel free to call me.

State of Minnesota

Minnesota Department of Revenue
Board of Assessors
Mail Station 3340
Saint Paul, Minnesota 55146-3340
Phone: 612-296-0209
FAX: 612-297-2166

April 2, 1991

Senator Don Samuelson, Chairman
Senate Finance Committee
124 Capitol Building
St. Paul, Minnesota 55155

Dear Senator Samuelson:

Pursuant to the requirements of M.S. 16A.128 enclosed please find a copy of the Notice of Intent to Adopt Rules Without a Public Hearing which has been drafted by the Board of Assessors, and a copy of the proposed rules themselves.

Please note that part 1950.1070, page 3, of the proposed rules deals with the issue of fees. The Board is proposing three (3) new fees. These fees have been structured in such a way as to comply with the provisions of M.S. 16A.128 and 214.06 requiring that boards be self-sufficient. The schedule has also been approved by the Commissioner of Finance as required by M.S. 16A.128.

If, after reviewing these documents, you have any questions or concerns please contact me.

Very truly yours,

GERALD D. GARSKI, Secretary-Treasurer
Board of Assessors

GDG:mgs

AN EQUAL OPPORTUNITY EMPLOYER

State of Minnesota

Minnesota Department of Revenue
Board of Assessors
Mail Station 3340
Saint Paul, Minnesota 55146-3340
Phone: 612-296-0209
FAX: 612-297-2166

April 2, 1991

Representative Wayne Simoneau
Chairman of House Appropriations
365 State Office Building
St. Paul, Minnesota 55155

Dear Representative Simoneau:

Pursuant to the requirements of M.S. 16A.128 enclosed please find a copy of the Notice of Intent to Adopt Rules Without a Public Hearing which has been drafted by the Board of Assessors, and a copy of the proposed rules themselves.

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If, after reviewing these documents, you have any questions or concerns please contact me.

Very truly yours,

GERALD D. GARSKI, Secretary-Treasurer
Board of Assessors

GDG:mgs

AN EQUAL OPPORTUNITY EMPLOYER

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Department of Revenue
Board of Assessors

In the Matter of the Proposed Adoption of the Rule of The State Board of Assessors Governing the Lincensure, Education and Conduct of Assessors

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Board of Assessors intends to adopt revisions to the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 270.41(c) and 270.47.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (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, section 14.131 to 14.20. Comments or written requests for a public hearing must be submitted to:

(5)
Gerald D. Garski
Board of Assessors
Mail Station 3340
St. Paul, MN 55146-3340

Phone: 612-296-0209
FAX: 612-297-2166

(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 originally proposed by this notice.

(11) The rule proposed for adoption relates to the following matters:

1. Conforms to state law by allowing county assessors two years from first hire to obtain the SAMA designation;

2. Allows reinstatement of an assessor's license after a five year absence by successful completion of Course A, payment of a reinstatement fee and a license fee;

3. Grants one year assessment experience for the CMA license if a person has certain appraisal experience;

4. Recognizes the IAAO correspondence course, Mass Appraisal of Residential Property, and IAAO Course 305, Computer Assisted Mass Appraisal Model Building, as alternatives for week H;

5. Gives two SAMA contract points for submitting an acceptable form appraisal;

6. Provides for a $20.00 reinstatement fee, a $15.00 record retention fee and a $10.00 education transcript fee.

7. Requires assessors to list certain outside activities such as fee appraisals or real estate sales on their annual license application;

8. Provides for a structured review of the licensing levels within a county if requested by the county assessor.

A free copy of the rule is available upon request from Gerald D. Garski at the above address.

(12) A Statement of Need and Reasonableness that describes the need for the 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 Gerald D. Garski at the above address 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 who wish to receive a copy of the adopted rule, must submit the written request to Gerald D. Garski at the above address.

February 6, 1991

Gerald D. Garski

GERALD D. GARSKI
Secretary-Treasurer
Board of Assessors

STATE OF MINNESOTA

BOARD OF ASSESSORS

In the Matter of the Adoption of Rules of the State of Minnesota Board of Assessors Governing The Licensure, Education and Conduct of Assessors.	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on April 15, 1991, and was sent by United States mail April 3, 1991, to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22. (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 before the notice was published in the State Register. This statement of need and resonableness was made available, at no cost, to the public. Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule itself was sent to the chairs of the House Appropriations Committee and Senate Finance Committee for their review.

(4) All persons were given the opportunity to submit comments on the rule for 30 days after the notice of proposed rulemaking was published. (5) The agency received only two (2) requests for a public hearing. No requests for notice of submission to the attorney general were received by the agency. (7)

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

1. The requirements of state law and the rules of the Attorney General concerning notification of interested parties and publication of the proposed rule have been met.

2. Limited comments were received on the rule during the 30 day comment period.

3. The proposal to adopt rules without a public hearing was accepted by all but two parties affected by the rules; therefore, the agency did not receive enough requests to warrant the holding of a public hearing.

4. No changes in the rules were made as a result of comments, either oral or written, received after the publication of the notice to adopt these rules.

My conclusions based on these findings are:

1. The above-captioned rule is needed and (8) reasonable and should be adopted as proposed without a public hearing.

(9) NOW THEREFORE IT IS ORDERED that the rule identified as Board of Assessors' Rule Relating to Assessor's Licensure, Education and Conduct, M.R. 1950.1000 to 1950.1090 is adopted this 30th day of May 1991 pursuant to authority vested in the Board by Minnesota Statutes, section 270.47.

Gerald D. Garski
Secretary-Treasurer
Board of Assessors

G

In the Matter of the Adoption of Rules of The State Board of Assessors Governing the Licensure, Education and Conduct of Assessors.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss.

Marilyn G. Suchy, being first duly sworn deposes and says:

That on the 3rd day of April 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Board of Assessors for the purpose of receiving notice of the proposed adoption of rules by this Board.

Marilyn G. Suchy
Marilyn G. Suchy

Subscribed and sworn to before me
this 3rd day of April, 1991.

Diane Rogge

DIANE L. ROGGE
NOTARY PUBLIC - MINNESOTA
WASHINGTON COUNTY
My Commission Expires Sept. 24, 1996

The vendor must notify the local agency as soon as possible and not less than one business day before discharging a client whose treatment is covered by a payment agreement under this part if the discharge is caused by disruption of the third-party payment.

9530.7031 VENDOR'S DUTY TO COLLECT CLIENT FEES.

A vendor must collect client fees according to the requirements of items A to G.

A. A vendor of category III or category IV rehabilitation services shall determine the fee for each client who has no responsible relative and who is not the custodial parent of a minor child. The fee shall be determined monthly according to part 9530.7024 for each month the client receives rehabilitation services from the vendor.

B. The vendor shall collect the fee from the client and provide the client with a receipt on a form supplied by the department.

C. A client's failure to pay a fee under this part shall be cause for discharge from a vendor's rehabilitation program only if the discharge is in accordance with the vendor's discharge and transfer policy specified in part 9530.4300, subpart 5. However, clients committed according to *Minnesota Statutes*, chapter 253B, shall be discharged only according to *Minnesota Statutes*, chapter 253B.

D. Within 15 days after the end of the month for which the fee was determined, the vendor shall remit to the department the client fee collected according to this part and client-identifying information on a form supplied by the commissioner.

E. The commissioner shall pay the vendor, at least quarterly, an amount equal to five percent of the client fees collected by the vendor and remitted to the commissioner.

F. The vendor's obligation to collect fees ends when the client is discharged.

G. The commissioner shall bill the client for any fee the client owes but has not paid to the vendor according to this part, based on information supplied by the vendor.

REPEALER. *Minnesota Rules*, part 9530.6650, subpart 3, is repealed.

Board of Assessors

Proposed Permanent Rules Relating to Licensing

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Assessors intends to adopt revisions to the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 270.41(c) and 270.47.

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

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

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Board of Assessors
Mail Station 3340
St. Paul, MN 55146-3340
Phone: 612-296-0209
FAX: 612-297-2166

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 originally proposed by this notice.

The rule proposed for adoption relates to the following matters:

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4. Recognizes the IAAO correspondence course, Mass Appraisal of Residential Property, and IAAO Course 305, Computer Assisted Mass Appraisal Model Building, as alternatives for week H;

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

Dated: February 6, 1991

Gerald D. Garski
Secretary-Treasurer
Board of Assessors

Rules as Proposed

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F. Application to the board, and the appropriate fee.

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.

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Subp. 6. **Outside activities.** Certain activities outside the scope of the assessor's office may give the appearance of a conflict of interest to the taxpayers of the assessor's jurisdiction. These activities include the performance of fee appraisals, tax representation or consultation, real estate sales, insurance sales, and property management. In order to avoid situations which could compromise the integrity of the assessor's office, each assessor applying for a license is required to list on the license application any for-profit outside activities such as those stated above. All employers of assessors engaged in outside activities will be notified of this fact by the board by December 31 of each year. Whether or not the assessor may continue the outside activities shall be a condition of the employer-employee agreement. The board will not specifically prohibit an assessor from engaging in these outside activities. An assessor who falsifies a license application by not listing outside activities is subject to the penalties shown in subpart 2.

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.

Board of Chiropractic Examiners

Adopted Permanent Rules Relating to the Practice of Chiropractic

The rules proposed and published at *State Register*, Volume 15, Number 26, pages 1450-1454, December 24, 1990 (15 SR 1450) are adopted with the following modifications:

Rules as Adopted

2500.0100 DEFINITIONS.

~~Subp. 4.~~ ~~**Nonstandard methods.**~~ ~~"Nonstandard methods" means those methods and diagnostic procedures and devices within the scope of practice that have not been researched by parties other than the manufacturer and deemed safe for and of benefit to the public, and taught in or accepted by board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools as intended for use in a chiropractic setting.~~

~~Subp. 5.~~ ~~**Standard methods.**~~ ~~"Standard methods" means those chiropractic methods and diagnostic procedures and devices that have been researched by parties other than the manufacturer and deemed safe for and of benefit to the public or taught in board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools and are within the provisions in *Minnesota Statutes,* section 148.01.~~

2500.1200 CONTINUING EDUCATION.

[For text of subps 1 to 4, see M.R.]

~~Subp. 5.~~ ~~**IME requirements.**~~ ~~In addition to the 20 hours of continuing education hours required for annual license renewal, all licensed chiropractors registered with the board to perform independent medical examinations must attend ten hours of continuing education annually relating to independent medical examinations. All courses and seminars must be approved by the board as provided in part 2500.1400.~~

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.

STATE OF MINNESOTA
DEPARTMENT OF REVENUE

In the Matter of the Adoption of Rules of the State of Minnesota Board of Assessors Governing the Licensure, Education and Conduct of Assessors

DECLARATION OF COUNSEL

I, **James W. Neher,** Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedures 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 0140.

James W. Neher

JAMES W. NEHER
Special Assistant
Attorney General

Dated: June 3, 1991
.atl

EQUAL EYES

SPRING 1991

MAAO

THE MINNESOTA ASSOCIATION OF ASSESSING OFFICERS



EGRETS

volume 13 number 48

EQUAL EYES

The official publication of the Minnesota Association of Assessing Officers. Publication is quarterly and is entered as third class mail at Ely, Minnesota. The Editorial address is PO Box 238, Ely, Minnesota 55731. Phone (218) 365-5383. Opinions expressed in articles appearing in this publication are those of the indicated authors and do not necessarily represent the official position of the Minnesota Association of Assessing Officers.

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Please note that due to publication deadlines the following NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING and STATEMENT OF NEED AND REASONABLENESS were submitted for publication before some final approvals were received from various state agencies. The Board believes these documents shown below are in their final form; however, the Board reserves the right to make changes where necessary to comply with various rules, policies and requirements.

Department of Revenue
Board of Assessors

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

In the Matter of the Proposed
Adoption of the Rule of
The State Board of Assessors
Governing the Licensure, Education and
Conduct of Assessors

Notice is hereby given that the State Board of Assessors intends to adopt revisions to the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 270.41 (c) and 270.47.

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

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

Gerald D. Garski
Board of Assessors
Mail Station 3340
St. Paul, MN 55146-3340

Phone: 612-296-0209
FAX: 612-297-2166

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 originally proposed by this notice.

The rule proposed for adoption relates to the following matters:

1. Conforms to state law by allowing county assessors two years from first hire to obtain the SAMA designation;

2. Allows reinstatement of an assessor's license after a five year absence by successful completion of Course A, payment of a reinstatement fee and a license fee;

3. Grants one year assessment experience for the CMA license if a person has certain appraisal experience;

4. Recognizes the IAAO correspondence course, Mass Appraisal of Residential Property, and IAAO Course 305, Computer Assisted Mass Appraisal Model Building, as alternatives for week H;

5. Gives two SAMA contract points for submitting an acceptable form appraisal;

6. Provides for a $20.00 reinstatement fee, a $15.00 record retention fee and a $10.00 education transcript fee.

7. Requires assessors to list certain outside activities such as fee appraisals or real estate sales on their annual license application;

»

8. Provides for a structured review of the licensing levels within a county if requested by the county assessor.

A free copy of the rule is available upon request from Gerald D. Garski at the above address.

A Statement of Need and Reasonableness that describes the need for the reasonableness of each provision of the proposed rule and indentifies the data and information relied upon to support the proposed rule has been prepared and is available from Gerald D. Garski at the above address upon request.

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

February 6, 1991

GERALD D. GARSKI
Secretary-Treasurer
Board of Assessors

STATE OF MINNESOTA

BOARD OF ASSESSORS

In the Matter of the Proposed Adoption of Rules Governing the Licensure, Education and Conduct of Assessors

Statement of Need and Reasonableness

INTRODUCTION

The above captioned matter is being proposed in order to update the rules of the Board of Assessors. These rules, captioned as M.R. 1950.1000-1950.1090, were adopted by the Board in May of 1989. The adoption of the rules marked the first time the Board of Assessors had published a comprehensive set of rules governing the licensure, education, and conduct of Minnesota assessors. As with all matters of this kind, after the rule is published, errors and omissions are noted which must be corrected by subsequent rule-making procedures. The major purpose of this proposed rule is to correct errors present in the current rules, add language which was omitted during the first rule-making procedure, and address problems which have occurred since 1989.

This document has been prepared as a verbatim affirmative presentation of the facts necessary to establish the statutory authority, need, and reasonableness of the proposed new rule. It is prepared and submitted pursuant to Minnesota Statutes 14.23 and Minnesota Rule 2010.0700 which require a Statement of Need and Reasonableness for all proposed rules.

A Notice of Intent to Solicit Outside Opinion in the preparation of these proposed rules was published in the State Register on December 24, 1990. In addition, a newsletter entitled *From the Board* containing a reproduction of the Notice of Intent to Solicit Outside Opinion, was mailed on January 3, 1991, to all licensed Minnesota assessors. Written and oral comments were received from a number of assessors and were duly considered by the Board in the preparation of these rules. Copies of all written comments and suggestions received by the Board will be submitted to the Attorney General for his review prior to the final adoption of the proposed rule.

Statutory Authority to Adopt Rules

M.S. 270.40 through 270.51 establish the Board of Assessors and describe its composition, duties, power, and responsibilities. A portion of this legislation, specifically M.S. 270.47, states that, *"The board shall establish the rules necessary to accomplish the purpose of section 270.41, and shall establish criteria required of assessing officials in the state."* Additionally, the 1988 legislature in Chapter 719, Article 7, Section 2 enacted the following amendment to M.S. 270.41, *"The board of assessors may adopt rules under chapter 14 defining or interpreting grounds for refusing to grant or renew, and for suspending or revoking a license under this section."* The promulgation of the proposed rules governing the licensure, education, and conduct of assessors is encompassed within the statutory authority listed above.

Need and Reasonableness of the Proposed Rules

These proposed revisions and additions to the existing rules of the Board of Assessors have nine parts. Each revision or addition has been carefully considered by the Board and is now being proposed in order to correct errors or omissions in the current rules, or to address a problem which was brought to the attention of the Board since the adoption of the current rules in 1989. Each of the nine revisions will be addressed separately and a rationale given for the adoption of each one.

The first change to the current rules is an addition to **Part 1950.1020 LICENSURE Subp. 3, Criteria for licensing levels.** The current rules state that the licensing level of a particular taxing jurisdiction is dependent upon four criteria; market value, population, commercial properties and the recommendation of the county assessor. From time to time conditions within a taxing jurisdiction may change and the value of these criteria vary from the values originally used to establish the jurisdiction's licensing level. If this happens the Board believes that the County Assessor should have the option to petition the Board and ask that the licensing level be reviewed for a particular taxing jurisdiction. Thus the Board proposes that the following new language be added to the current rules, *"A county assessor may request that the board review the licensing level for a specific taxing jurisdiction within his county. The request must be in writing and should state the specific reasons the assessor is requesting the review."* This proposal is reasonable in that one of the original criteria used to establish the licensing levels was the recommendation of the county assessor. This new language merely gives the assessor the opportunity to make a new recommendation. It is necessary because it provides a mechanism for licensing levels to be adjusted when changing conditions warrant a change.

The second revision is a change that is necessary to keep the rules in compliance with state law. The current rules state in **Part 1950.1020 LICENSURE, Subp. 4, New hires; deadline for upgrading license.** *A taxing jurisdiction requiring an assessor with a designation greater than certified Minnesota assessor may hire a person with a designation one level lower than the required level. This person has one year from the date of hire to attain the required level. An assessor who fails to obtain the required designation must be dismissed.* Note that the rule states that a person has one year from the date of hire to attain the required license level. The 1989 Legislature amended M.S. 270.485 which deals with the licensing level needed by county assessors. This amendment provides that...*"every county assessor within two years of the first appointment...must obtain senior accreditation from the state board of assessors."* Since the current rules provide for only a one year grace period they are in conflict with state law and must be revised in order to conform. Thus the Board proposes to add this phrase to the current rules. *"This person has one year from the date of hire,* ***except for county assessors who have two years from the date of first hire,*** *to attain the required level.* Obviously this addition is both needed and reasonable.

The third revision is also to **Part 1950.1020 LICENSURE** and provides a structured re-entry procedure for an assessor who has been absent from the assessment field for a number of years. The proposed rule provides that if an assessor has been unlicensed for a period of five years or more he must take the basic assessment course entitled "Week A: Assessment Laws, History and Procedures," pay a reinstatement fee and a license fee before he can be issued a current license. Since the laws regarding property taxation change with almost every legislative session it is important for assessors to keep abreast of the latest developments. This is one of the primary reasons the Board mandates continuing education for assessors. An assessor who has been out of the field for a five year period has not had the benefit of this continuing education and needs to be updated on law changes and policy decisions. Week A provides a mechanism to update the assessor on changes and developments and thus the requirement that an assessor successfully complete Week A is both reasonable and needed. The payment of the two fees will be addressed in another portion of this document.

The fourth revision is an addition to **Part 1950.1030 CERTIFIED MINNESOTA ASSESSOR.** The Board is proposing to add the following language to the current rules: *"Requirements for certified Minnesota assessor are...one year's apprenticeship experience under a licensed assessor.* ***In lieu of this requirement the board may consider alternate experience such as: employment in the appraisal field of another governmental agency, fee appraisal experience, or condemnation appraisal experience. Real estate sales experience will not be considered as qualifying experience.*** " This addition will rectify an oversight made by the Board in the drafting of the original rules. This language enables persons who are trained in appraising property an entry into the assessment profession without the one year apprenticeship requirement. The Board is not proposing to eliminate any educational requirements, even though many of the persons having appraisal experience may well meet all of the educational requirement, it is simply recognizing the fact that some types of appraisal experience are equivalent to assessment experience. The Board believes this proposal is reasonable and necessary to assure a pool of qualified persons entry into the assessment profession. The Board also believes that real estate sales experience, while valuable, does not meet the spirit of this one year experience requirement because the emphasis is on selling, not on establishing value.

The fifth revision is an addition to **Part 1950.1050 ACCREDITED MINNESOTA ASSESSOR.** In order to earn this designation a person must successfully complete a number of educational courses. In drafting the original rule, two courses which are acceptable in meeting this educational requirement, were inadvertently excluded from the rule. The Board now proposes to correct this omission by allowing the International Association of Assessing Officers (IAAO) course 305: Computer Assisted Mass Appraisal Model Building and IAAO correspondence course: Mass Appraisal of Residential Property as acceptable alternates to the successful completion of the Board sponsored Course H: Techniques of Mass Appraisal.

The sixth proposed revision is to **Part 1950.1060 SENIOR ACCREDITED MINNESOTA ASSESSOR (SAMA).** This part details the process whereby an individual may earn the designation of SAMA. There are two methods of earning this designation, the specific and the contract points method. The contract points method enables an assessor to earn this designation if he earns at least 34.6 points in addition to meeting a number of other requirements. Points are earned for assessment experience, education, educational couse

development, teaching, writing narrative appraisals, papers, presentations and a number of other assessor related activities. In drafting the original rules no point allowance was made for submitting an acceptable form appraisal to the Board. The submission of an acceptable form appraisal is a requirement for the designation of Certified Minnesota Assessor Specialist and is definitely an educational and learning experience for assessors. In order to correct this oversight the Board is now proposing that the submission of an acceptable form appraisal be given two (2) points toward the contract method of earning the SAMA designation. The Board believes the amount of points given for these form reports is reasonable in light of the time and knowledge needed to prepare an acceptable report, and the granting of points is necessary in order to correct an oversight by the Board when the original rules were adopted.

The seventh proposed change is to **Part 1950.1070 FEES.** The board is proposing to establish three new fees. These fees are: a $20 reinstatement fee, a $15 record retention fee and a $10 educational transcript fee. M.S. 270.44 state that, *"The board may establish reasonable fees or charges for course examinations or materials the proceeds of which shall be used to finance the activities and operation of the board."* Thus, the board is empowered to set fees. The question then becomes whether or not the proposed fees listed in Part 1950.1070 are reasonable. M.S. 214.06 states:

> *"Subdivision 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 that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.123."*

The proposed fees have been submitted to the commissioner of finance for his review as required by M.S. 16A.128, which states:

> *"Subd. 1a Approval. Fees for accounts for which appropriations are made may not be established or adjusted without the approval of the commissioner. If the fee or fee adjustment is required by law to be fixed by rule, the commissioner's approval must be in the statement of need and reasonableness. These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function."*

The commissioner of finance, after reviewing the proposed fees, has approved them as reasonable and proper in keeping with the provisions of M.S. 16A128 and M.S. 214.06, which provide that the fees must be set at a level which makes the board self sufficient. The proposed fees meet that requirement.

The eighth proposed change is to **Part 1950.1080 CONTINUING EDUCATION** and involves the issue of record retention for unlicensed assessors. This issue is one which came to light after the current rules were adopted in 1989. The question of how long to retain the files of inactive assessors within the Board's record keeping system, and if any charge should be made for retaining the records, was presented to the Board. In order to answer this question and establish a formal policy the Board is proposing the following new language:

> *Subp. 5. Record Retention. An assessor who does not have the required CEU's for issuance of a license, or for any reason does not wish to obtain a license may pay an annual record retention fee. The payment of this fee will keep the individual's files in a current status and enable the assessor to receive all mailings sent from the board. If neither a licensing fee or a record retention fee is paid, the assessor's files will be purged from the system after a period of one year from the date the assessor's license expired. An assessor whose files have been purged must submit a reinstatement fee, the required license fee and supply documentation of all required education if he wishes to be re-licensed.*

The Board believes this addition to the rules is reasonable because it enables assessors to keep their Board file active without the cost or educational requirements of licensing. Additionally, it establishes a firm date for purging the assessor's file from the Board's system and enables the Board to practice good record management techniques. The addition is necessary because it resolves a question brought to the Board by means of a positive action and statement of policy.

The final revision to the rules is an addition to **Part 1950.1090 CONDUCT AND DISCIPLINE.** Assessors are public figures engaged in a process which imposes a tax on property owners. Human nature dictates that most people do not like to pay taxes, and many are unfriendly to those engaged in taxing them. This means that many assessors are closely watched by hostile witnesses. Some assessors may have outside activities which to these witnesses appear to be inappropriate to the assessor's office or a conflict of interest. The Board receives periodic complaints concerning these outside activities. One remedy which has been proposed to the Board is to ban assessors from many outside activities. The Board has chosen not to pursue this negative course of prohibition. The Board believes that the issue of outside employment is best settled between employer and employee. To this end the board is proposing the following new language:

> *"Subp. 6. Outside activities. Certain activities outside of the assessor's office may give the appearance of a conflict of interest to the taxpayers of the assessor's jurisdiction. These activities include the performance of fee appraisals, tax representation or consultation, real estate sales, insurance sales and property management. In order to avoid situations which could compromise the integrity of the assessor's office each assessor applying for a license will be required to list on his license application any for-profit outside activities such as those stated above. All employers of*

assessors engaged in outside activities will be notified of this fact by the Board by December 31, of each year. Whether or not the assessor may continue the outside activities shall be a condition of the employer-employee agreement. The Board will not specifically prohibit any assessor from engaging in these outside activities. Any assessor who falsifies his license application by not listing his outside activities shall be subject to the penalties shown in Subp. 2."

The Board believes this addition to the rules is necessary because it attempts to remedy a situation which has caused problems for assessors in the past. It is a reasonable addition to the rules because the Board is not eliminating any right or privilege the assessor enjoys, it is simply letting the assessor's primary employer know that the assessor is engaged in certain outside activities which may give the hint of impropriety to the public. If the employer wishes to limit these outside activities that will be his choice.

In summary, the Board has proposed a number of revisions to the current rule governing the licensure, education and conduct of assessors. Some of the proposals are to correct errors, some to rectify omissions and some to resolve problems. The Board believes all the revisions are the product of careful consideration and discussion. The proposed revisions are necessary to make the rule of the Board of Assessors a viable instrument of policy; with the announced aim of that policy to insure that the taxpayers of Minnesota are served by capable assessors with integrity and professionalism.

NORTH CENTRAL REGIONAL ASSOCIATION OF ASSESSING OFFICERS
JUNE 9-11, 1991 GRAND RAPIDS, MICHIGAN

16th NCRAAO Conference

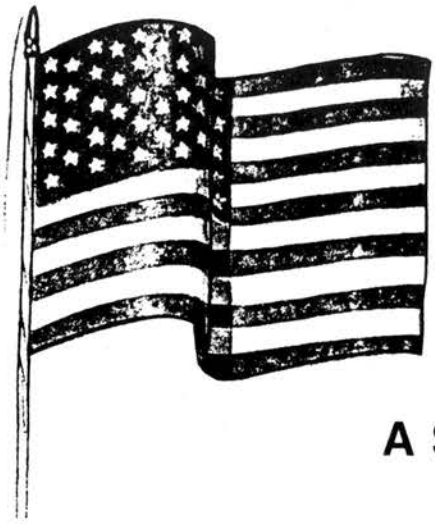
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Sunday, June 9 - Golf Outing
Lakeshore Adventure Tour
Directors Meeting
Reception/Beach Party

Monday, June 10 - Opening Session
Seminars
Spouse Tour

Tuesday, June 11 - Seminars
Banquet



A SOLDIERS RESPECT

Through the pride of our nation
With the heavens above
Every soldier now stands
For this country we love

He's proud to be an American
And to serve in it's need
Let's show him our respect
And not of our greed

Away from his family
Who misses him so
He shows strength and respect
From the God that he knows

From a fear and confusion
And of not knowing when
He often thinks of tomorrow
And when it could end

Confronted by an enemy
That he barely knew
He asks God for forgiveness
In what he must do

He thinks of back home
And what his family will feel
The deep pain inside
And the numbness so real

Now his last call has come
From the lord up above
Lets pay him our respect
And send all them our love

Gary Stevens
Goodhue County
2/3/91

REVENUE
MAILROOM
APR 9 1991

4-4-91

Gerald D Garski
Board of Assessors
Mail Station 3340
St Paul MN 55146-3340

I request a public hearing in the Matter of the Proposed Adoption of the Rule of The State Board of Assessors Governing the Lincensure, Education and conduct of Assessors.

I object to the proposed rule #7 which requires assessors to list certain outside activities such as fee appraisals or real estate sales on their annual license application. I believe this rule violates my rights.

Leon C Johnson
225 South Park
Mora MN 55051

ROY A. LUUKKONEN.....AUDITOR
RICHARD D. ROTTSCHAFER, M.D. .....CORONER
DICK ROSS .....SHERIFF
JOHN REMINGTON GRAHAM.....ATTORNEY
LAUREEN E. BORDEN.....TREASURER
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DAVID R. SCHULDHEISZ.....VETERANS SERVICE & EMERGENCY MANAGEMENT
DAVID NEIMAN.....PLANNING & ZONING ADMINISTRATOR

COUNTY COMMISSIONERS
STEVE D. SIEVEK, CHAIRMAN CHERYL GELBMANN, VICE CHAIR
JOHN "JINX" FERRARI MARY KOEP BARBARA R. UPPGAARD

REVENUE MAILROOM
APR 24 1991

TELEPHONE (218) 828-3954

CROW WING COUNTY
BRAINERD, MINNESOTA 56401

April 19, 1991

Mr. Gerald D. Garski
Board of Assessors
Mail Station 3340
St. Paul, MN 55146-3340

Dear Mr. Garski,

I have a comment to make regarding the proposed rule number seven. I am not in favor of this rule if this list includes any activity beyoud the appraisal field or real estate sales field. In my opinion, whether a person has to work a second job for whatever the reason, is not anyone's concern except if it is a conflict of interest. Because I do not know what the possible other certain outisde activities are, I will leave it to your judgement to determine whether this letter would be considered as opposition to rule number seven.

Thank you.

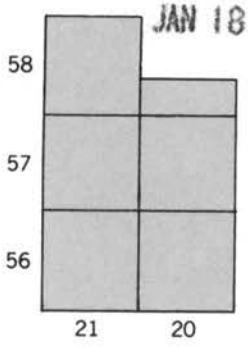
Sincerely,

Martyn S. Schmidt

MARTYN S. SCHMIDT, SAMA
CROW WING COUNTY ASSESSOR

MSS/cn

REVENUE
MAIL ROOM
JAN 18 91



ASSESSOR'S OFFICE

CITY OF HIBBING

CITY HALL
ROOM 200 • HIBBING, MINNESOTA 55746
(218) 262-3486

FRANK BIGELOW JR., ASSESSOR (AMA)
JIM STEELE, DEPUTY (CMS)

JANUARY 16, 1991

GERALD GARSKI
MINNESOTA DEPT. OF REVENUE
BOARD OF ASSESSORS
MAIL STATION 3340
ST. PAUL, MN 55146-3340

DEAR MR. GARSKI:

I'M WRITING YOU REGARDING THE POSSIBLE RULE CHANGES ABOUT ASSESSOR LICENSING REQUIREMENTS. I WOULD LIKE TO EXPRESS MY OPPOSITION TO LOWERING ANY STANDARDS THAT HAVE BEEN SET FORTH PREVIOUSLY. COUNTLESS NUMBERS OF OUR ORGANIZATION HAVE SPENT TIME, MONEY, AND EFFORT IN ATTAINING THE MANDATORY LICENSING FOR THEIR JURISDICTION, AND I THINK IT'S A SLAP IN THE FACE TO ANY OF THEM THAT ARE POSSIBLY GETTING THEIR STANDARDS FOR LICENSING LOWERED FOR ANY OTHER REASON THAN BY EXTREME LOSS OF PROPERTY VALUATION OR LOSS OF THEIR JURISDICTION BY VIRTUE OF ANNEXATION.

IF SOMETHING IS WORKING FINE, WHY FIX IT!? ANY ASSESSOR THAT'S OUT THERE WORKING ACTIVELY STILL HAS TO KNOW THE LAWS AND PROCEDURES FOR RUNNING THEIR OFFICE. IT'S BAD ENOUGH THAT WE HAVE TO FIGHT WITH OUR LOCAL POLITICIANS TO TRY AND GET ENOUGH HELP TO DO OUR JOB, AND THEN YOU WANT TO PULL THE RUG OUT FROM UNDER US AFTER WE STRUGGLE TO ATTAIN THE EXISTING REQUIREMENTS. GRANTED THERE ARE CIRCUMSTANCES THAT NOW EXIST AS TO WHETHER A LEVEL OF LICENSURE IS CORRECT OR NOT, BUT TO JUST HAVE MEETINGS TO DREAM UP ANOTHER SCHEME OF HOW TO MAKE ASSESSORS JUMP THROUGH MORE HOOPS IS FOOLISHNESS.

I SINCERELY HOPE THE BOARD SERIOUSLY CONSIDERS WHY THEY SHOULD EVEN DO THIS, WHEN THERE ARE PLENTY OF OTHER SUBJECTS THEY SHOULD BE CONSIDERING.

THANK YOU,

Frank Bigelow

FRANK BIGELOW, AMA
CITY OF HIBBING

REVENUE MAILROOM
JAN 10 1991
Finance

MARSHALL
MINNESOTA 56258

Office of
CITY ASSESSOR
PHONE (507) 537-6771
FAX (507) 537-6830
P.O. BOX 477

January 7, 1991

Mr. Gerald Garski
State Board of Assessors
Mail Station 3340
St. Paul, MN 55146-3340

Dear Mr. Garski:

I believe I have now read two newsletters of the State Board of Assessors. I find them interesting and informative. I wish you and the Board the best for developing this fine publication and hope its intent will be maintained long into the future.

In reading the publication, I read through the area entitled, "Rules," where the Board is proposing making some changes. At the annual MAAO meeting, it was discussed that three cities were under consideration for reclassification from Accredited Minnesota Assessor (AMA) to Senior Accredited Minnesota Assessor (SAMA). In reading the proposed changes I did not observe any reference to the proposed change stated above. Is it still the Board's intention to cause a change for those three cities which includes Marshall to Senior Accredited Minnesota Assessor. If so, what will be the effective date?

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely yours,

Cal

Calvin D. Barnett
City of Marshall Assessor

dh

An Equal Opportunity Employer

REVENUE
MAILROOM

JAN 28 1991

January 25, 1991

Gerald D. Garski-Minn. Dept. of Revenue
Board of Assessors
Mail Station 3340
St. Paul, MN 55146-3340

Dear Mr. Garski:

I am formally submitting the following opinion for a rule change regarding Licensing, Education and Conduct of Assessors authorized by Minnesota Statutes, Sec. 270.41 (c) and 270.47.

I propose that the 1.7 C.E.U.'s earned for attending all 3-days of the Three-Day Short Course for Assessors be amended as follows: award .6 C.E.U.'s for attending day-one only; award 1.1 C.E.U.'s for attending days two and three.

This change would make it possible for an assessor to earn part credit for the course when he is unable to attennd all three days due to illness, weather or work related circumstances and other unexpected situations.

Since the State no longer pays any scholarship money for part-time assessors, the new award basis would give a person part credit for part time attendance for money sent in advance for the short-course.

Realtors who attend only part of the Three-day Assessor Short-Course get credit for day-one only or day two and three only. I believe assessors should have the same consideration.

Assessors attend other seminars and courses for credit and sometimes lack only a point or fraction-of-a-point for the 4 C.E.U.'s required for the 4-year accounting period. Let's not discriminate against assessors.

I hope that you can act favorably on this request.

Thank you.

Sincerely,

Theodore C. Schwing

Theodore C. Schwing
R.R. 2 Box 133
Elkton, SD 57026
Ph. 507-368-9435

City of Hermantown

"Minnesota's First Bi-Centennial City"

5255 Maple Grove Road Phone: 218-729-6331
Hermantown, Minnesota 55811

REVENUE MAILROOM
JAN 25 1991

Wallace R. Loberg, Mayor
Lynn Lander, Administrator
Nancy A. Sirois, City Clerk

COUNCILORS
Warren E. Berg
Frances Hubert
Richard R. Rothe
Daniel J. Urshan

January 22, 1991

State of Minnesota Department of Revenue
Gerald D. Garski, Assistant Director
Mail Station 3340
10 River Park Plaza 7th Floor
St. Paul, Minnesota 55146-3340

Dear Mr. Garski:

I am writing in reference to the Assessor's meeting held on January 18, 1991 at the Holiday Inn in Duluth.

Marlene Kellett attended the Assessor meeting on behalf of the City of Hermantown. Thereafter, Mrs. Kellett informed me of the meeting content. I'm very concerned that the City of Hermantown might be categorized to require a MAMA Assessor. The City of Hermantown has only seventeen full time employees. To be forced to hire a MAMA Assessor would be an adverse condition when other municipal manpower needs have a much higher priority.

The City of Hermantown has experienced positive residential growth. However, the City has no lakeshore property, limited utilities and apartments and minimal commercial/industrial growth. The City of Hermantown's limited classes of property, I believe limits the licensing levels.

I see your criteria for licensing levels uses a statistical formula to determine the deviation from the standard mean. I suggest the formula uses a time period other than one year. By using only one year, a small City may be penalized for experiencing one large store development. I appreciate that continuous and multi developments require additional services and knowledge.

Please advise me of the final outcome of the licensing levels.

Sincerely,

Lynn Lander

Lynn A. Lander, City Administrator
City of Hermantown

Equal Opportunity Employer

LL/dls

COMMENTS ON RULES - JANUARY 18, 1991, MAAO MEETING - DULUTH

1. Five years is liberal time period for re-instatement of an assessor's license without requirement to take Course A. Time should be shortened.

2. Differentiate between full and part time assessors when establishing re-instatement criteria.

3. Course A or substitute should be taken as part of CEU requirement once every few years.

4. Property variety exists in outstate; however, value amounts are lower. This skews the licensing requirement system. The difficulty of assessing the variety of properties still exists in outstate Minnesota.

5. Variety of property types is an important consideration in determining designation levels for assessors.

6. Present licensing level system should be refined not scrapped.

7. Separate Metro assessment areas from outstate Minnesota assessment areas for purposes of licensing level study.

8. Include agricultural values in licensing level formula.

9. More assessment knowledge is needed for volatile market than for stable market. Outstate Minnesota has more conditions which cause unstable markets.

10. Waiting period for introducing any new licensing level method should be at least two years.

11. The threshold values by class of property for each licensing level should be established by rule. Increases in these values could be automatically made through the use of a Consumer Price Index.

12. County assessors should be allowed to ask for review of the licensing levels within their county.

13. The threshold values by class of property should be adjusted to reflect the average value per parcel in order to equalize all areas of the State for the licensing level study.

January 23, 1991

Comments on Rules - Curt Stojan, Kensington, MN

County Assessors should be prohibited from any outside activites. Eventually it undermines the salaries through out the state as those who do outside activies may settle on a salary that is less because they can make extra money on the outside activites. When the salaries are looked at in a comparable worth study, it will cause the salary scale to go down for all.

Local or part time assessors should not be prohibited from outside activites because by the very fact that they are part-time indicates that they are doing something else and therefore it would not compromise the salaries in a comparable worth study.

Assessor's should strive to be paid appropriately so that moonlighting would not be attractive.

All county assessors-administrators should have contracts written that prohibit outside activities.

ROY A. LUUKKONEN ..... AUDITOR
RICHARD D. ROTTSCHAFER, M.D. ..... CORONER
FRANK BALL ..... SHERIFF
STEPHEN RATHKE ..... ATTORNEY
LAUREEN E. BORDEN ..... TREASURER
KATHY LUDENIA ..... RECORDER
DUANE BLANCK ..... HIGHWAY ENGINEER
ANTHONY E. KERICK ..... SURVEYOR
LANSIN HAMILTON ..... LAND COMMISSIONER
MARTYN SCHMIDT ..... ASSESSOR
DARRELL PASKE ..... COURT ADMINISTRATOR
CAROL CARLSON ..... COMMUNITY HEALTH ADMINISTRATOR
DENNIS JOHNSON ..... SOCIAL SERVICE DIRECTOR
DAVID R. SCHULDHEISZ ..... VETERANS SERVICE & EMERGENCY MANAGEMENT
DAVID NEIMAN ..... PLANNING & ZONING ADMINISTRATOR/SOLID WASTE ENVIRONMENTAL COORDINATOR

COUNTY COMMISSIONERS
JOHN "JINX" FERRARI, CHAIRMAN
SYLVIA E. SCHMITT, VICE CHAIRMAN
MARY KOEP
HOWARD D. PETERSON
STEVE D. SIEVEK

TELEPHONE (218) 828-3954

CROW WING COUNTY

BRAINERD, MINNESOTA 56401

July 25, 1990

REVENUE
MAILROOM

JUL 26 1990

Mr. Jerry Garski
STATE BOARD OF ASSESSORS
Mail Station 3340
St. Paul, MN 55146-3340

Dear Jerry,

This letter is in reference to the issue of assessors doing fee appraisals besides being employed by local, city, or county government. I am not in favor of assessors doing fee appraisals beyond their normal employment requirements. I feel doing fee appraising is a conflict of interest. It could also lead to a county assessor in court against another county assessor.

In my county, I have three professional fee appraisers that depend upon this as their main means of making a living. I would be viewed as competition to their source of living which I personally do not want to be in that kind of a situation. I realize that there are pros and cons to this issue; however, I also feel that we as assessors need to take a stand one way or the other. If we do not resolve this issue, I am sure that legislation will.

Sincerely,

Martyn S Schmidt

MARTYN S. SCHMIDT, AMA
CROW WING COUNTY ASSESSOR

MSS/cjn

State of Minnesota

MINNESOTA DEPARTMENT OF REVENUE
BOARD OF ASSESSORS
MAIL STATION 3340
SAINT PAUL, MINNESOTA 55146-3340
PHONE: ~~612-642-0481~~
612-296-0209

June 2, 1989

Mr. Brad T. Emans, S.A.M.A.
McLeod County Assessors Office
McLeod County Courthouse
830 11th Street East
Glencoe, Minnesota 55336

Dear Mr. Emans:

Your letter regarding an assessor who was representing a taxpayer in an appeal proceeding was discussed at the May 30, 1989 Board meeting.

The Board's opinion of this circumstance was that it was not in conflict with our current rules; however, the Board was opposed to the concept of one assessor opposing another assessor.

The matter was also discussed at a joint meeting of the Board of Assessors and the MAAO Executive Committee. The MAAO representatives stated that it appeared to them that any assessor who would be involved in a tax appeal against another assessor showed a distinct lack of common sense.

The Board will consider adding language to its rules prohibiting assessors from representing taxpayers when it next makes revisions to the rules.

Thank you for bringing this to our attention.

Very truly yours,

GERALD D. GARSKI, Secretary
Board of Assessors

GDG:mgs

AN EQUAL OPPORTUNITY EMPLOYER

REVENUE
MAILROOM
APR 18 1989

A. O. (Tony) Victorian
COUNTY ASSESSOR

Office of

MCLEOD COUNTY ASSESSOR

Court House
830 11th Street East
Glencoe, Minnesota 55336

TELEPHONE
864-5551

April 13, 1989

Brad T. Emans, S.A.M.A.
830 11th Street E.
Glencoe, MN. 55336

Board of Assessors
Centennial Office Building
P.O. Box 64446
St. Paul, MN. 55164

Dear Board Members:

Enclosed please find a copy of an appraisal?? that was used at my City of Stewart board of review, you will notice by the signature (C.M.A.).

How can we allow assessors to use there designation in private business and even worse against another assessor.

If that is ethical, I could make a bundle representing people around this area.

Please advise.

Sincerely,

Brad T. Emans

Boehlke and Son, Inc.
Appraising • Insurance • Real Estate
Box 86 -- Buffalo Lake, Minnesota 55314

Lyle L. Boehlke, Pres., Secy. Dorothy I. Boehlke, V. Pres., Treas.

Copy

February 22, 1989

Ann Schwarzrock
% Rita Maiers
220 Martha Street
Stewart, Mn. 55385

Re: Residential Real Estate Appraisal
Ann Schwarzrock
Legal: Lot One, Four & Five of Block 3, City of Stewart, Mc Leod Co, Mn.

Dear Ann:

At your request, I have made an appraisal of the above referenced property.

Based on all the information compiled and on the many factors that influence value, my opinion of Market Value as of February 18, 1989 is:

EIGHTY-FIVE HUNDRED DOLLARS

($ 8,500.00)

I thank you for this assignment and if I may be of any assistance in regard to this appraisal, please contact me.

Sincerely,

Lyle L. Boehlke, C.M.A.
Appraiser & Realtor

LLB:mt
encl.