

Minnesota State Board of Assessors

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04375, OAH Docket Number 8-9032-35708

Proposed Amendment to Rules Governing Licensure, Education, Trainee Registration, Record Retention, and Reinstatement, Minnesota Rules, Chapter 1950

Introduction. The Board of Assessors intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Friday, December 20, 2018, the Board will hold a public hearing in at the Office of Administrative Hearings in the Stassen Building, 600 North Robert Street, Saint Paul, MN 55155 starting at 9:30 A.M. on Monday, January 28, 2019. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 20, 2018, and before January 28, 2019.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing via the Office of Administrative Hearing's eComments website at <https://minnesotaoah.granicusideas.com/discussions> or directly to the agency contact person. The agency contact person is:

Kyle Gustafson
Appeals and Legal Services Division
Minnesota Department of Revenue
600 North Robert Street
Saint Paul, MN 55146-2220
(651) 556-4970
(651) 296-8229 (Fax)
Kyle.Gustafson@state.mn.us
TTY users may call the Department at Minnesota Relay 711

Subject of Rules and Statutory Authority. The Board proposes to amend its existing rule by making the following changes:

1. **Licensing Manual:** Delete references to the "Licensing Manual" in the Rules.
2. **Reinstatement:** Provides that a person who has not been licensed for five years may be reinstated by demonstrating completion of certain coursework and by paying the reinstatement fee. Additionally, the proposed changes clarify that the reinstatement fee applies to anyone who has not renewed their license by July 1.
3. **Record Retention:** Remove record retention language from the rules since it is provided for in the Board's retention schedule. With the new online licensing system, the Board plans to retain assessor records at least for the life of the assessor.

The Board will no longer use the record retention fee once the online licensing system is in production (estimated to occur in 2017).

4. **Assessment Laws and Procedure (ALP) Course:** Specify that the required ALP course must have been taken within the previous five years for: a) an initial license; or b) reinstating a license after five or more years of not holding a license.
5. **Uniform Standards of Professional Appraisal Practice (USPAP) Course:** Specify that the required 15-hour USPAP course must have been taken within five years of: a) first receiving an Accredited Minnesota Assessor (AMA); or b) first receiving a Senior Accredited Minnesota Assessor (SAMA) license; or c) reinstating an AMA or SAMA license. If the course was taken more than five years ago, the AMA/SAMA applicant must take the current year's USPAP 7-hour update class.
6. **Continuing Education Hours (CEH) for Instructors:** Allow instructors to claim CEHs only once per four year cycle for the same course taught. Current rule allows instructors to claim CEHs for teaching multiple offerings of the same course.
7. **AMA/SAMA Narrative Appraisals and CMAS Form Appraisal:** Specify that narratives submitted as a requirement for AMA or SAMA license and form appraisals submitted as a requirement for CMAS must be submitted within five years of the date of the appraisal.
8. **International Association of Assessing Officers (IAAO) Assessment Administrative Specialist (AAS) Equivalency:** Provide that the IAAO Assessment Administrative Specialist designation fulfills the narrative requirement for the AMA license instead of the narrative requirement for the SAMA license.
9. **SAMA and AMA License Requirements:** Move the Board interview requirement to the SAMA level instead of the current AMA level.
10. **Temporary License:**
 - a. Create a temporary license for a former member of the military, current member of the military, and the spouse of a current member of the military as required in *Minnesota Statutes*, section 197.4552.
 - b. Create a temporary license for Minnesota appraisers who are licensed at the highest level (Certified General Appraiser) by the Department of Commerce to appraise all property types. Currently they are unable to work in the assessor's offices as income-producing property appraisers since they do not have an assessor's license.
11. **Trainee Registration:** Current law allows individuals who are regularly employed by the assessor to assist in making decisions regarding the valuation and classification of property for assessment purposes, but they must obtain an assessor license within three years of their date of employment. The proposed rule change would establish a one-time trainee registration for individuals who have started

working for the assessor in the described work, but are not yet licensed. Trainees would be required to register with the Board within 30 days of hire.

12. **CEH Increases:** Increase the Continuing Education Hours (CEH) for Certified Minnesota Assessors (CMA) and Certified Minnesota Assessor Specialists (CMAS) from 40 to 50 hours per 4-year cycle and for Accredited Minnesota Assessors (AMA) and Senior Accredited Minnesota Assessors (SAMA) from 50 to 60 hours per 4-year cycle beginning July 1, 2016.

The Board's statutory authority to adopt the rules is set forth in *Minnesota Statutes*, section 270.47 which authorizes the Board to "establish the rules necessary to accomplish the purpose of sections 270.41 to 270.50, and shall establish criteria required of assessing officials in the state. Separate criteria may be established depending upon the responsibilities of the assessor." *Minnesota Statutes*, section 270.41, subdivision 1 authorizes the Board to "review, supervise, coordinate, and approve courses in assessment practices, and establish criteria for determining assessor's qualifications."

Under these statutes the Board has the necessary statutory authority to adopt the proposed rules. All statutory authority was adopted and effective prior to January 1, 1996, and so *Minnesota Statutes*, section 14.125, does not apply. See *Minnesota Laws* 1995, chapter 233, article 2, section 58.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, December 20, 2018 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and submitted through the Office of Administrative Hearing's eComments website at <https://minnesotaoah.granicusideas.com/discussions> or received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, December 20, 2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the

number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for January 28, 2019 if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 556-4970 after December 20, 2018 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling 651-556-4970 or going on-line at http://www.revenue.state.mn.us/law_policy/Pages/Rules.aspx.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge, Eric L. Lipman, is assigned to conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7900, and FAX (651) 539-0310, or Denise.Collins@state.mn.us.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received will be available for

review at the Department of Revenue or on the agency's website at http://www.revenue.state.mn.us/law_policy/Pages/Rules.aspx This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. You can also find a link on the Department of Revenue website at: http://www.revenue.state.mn.us/law_policy/Pages/Rules.aspx.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Signed by Andrea Fish, Executive Secretary, Minnesota Board of Assessors, on November 8, 2018.