

Minnesota Board of Assessors

ORDER ADOPTING RULES

Adopted Amendment to Rules Governing Licensure, Education, Trainee Registration, Record Retention, and Reinstatement, Minnesota Rules, Chapter 1950; Revisor's ID Number AR-04375

Background Information

1. The Minnesota Board of Assessors has complied with all notice and procedural requirements in Minnesota Statutes, Chapter 14, Minnesota Rules, chapter 1400, and other applicable laws.

2. The Office of Administrative Hearings received two written comments on the rules. No persons requested a public hearing. Therefore, there are not 25 or more requests for a public hearing. The agency received no requests for notice of submission to the Office of Administrative Hearings.

3. The Office of Administrative Hearings reviewed the proposed rule revisions and issued orders on January 30 and February 1, 2019 that approved the rule revisions, except for Minn. R. 1950.1035, subp. 1(A)(3), .1050 (D), and .1006 (E). Based on the denial of those three subparts, the Board of Assessors has accepted the recommendations of the Administrative Law Judge and has amended its proposed rule revisions as follows:

A. As recommended by the Administrative Law Judge, part 1950.1035, subp. 1(A)(3) of the proposed rules is amended to read:

“a current criminal background study that ~~with no criminal conviction that is determined by the board to adversely affect the applicant's ability to perform the duties of an assessor~~ does not include conviction of a crime that, if committed by an applicant or licensee in Minnesota, would violate Minn. Stat. section 270.41, subd. 3(a)(4), Minn. R. 1950.1090, subp. 2(C), (D), or (F), or Minn. R. 1950.1090, subp. 4(A).”

This change to Part 1950.1035, subp. 1(A)(3) does not make the rule substantially different because it only seeks to define the types of misconduct the Board has already determined to be disqualifying conduct. It is needed to clarify what conduct is disqualifying for temporary licensure by the Board. Lastly, the amended language is reasonable because it spells out a standard to which the rule applies.

B. As recommended by the Administrative Law Judge, parts 1950.1050 (D) and 1950.1060, subp. 2 (E) are deleted from the existing and proposed rules. As explained in the Memorandum of the Order on Review of Rules dated January 30, 2019, the Board has not decided whether interviews or policies on examinations should occur at all, meaning the proposed regulations are not rules since they lack a “future effect” and are not

“adopted to implement.” The deletion of these proposed rules is reasonable because they describe requirements that may or may not even occur in the future. In addition, the deletion of these proposed rules is not prejudicial to the expectations of any possible applicants and it is a logical outgrowth of the rulemaking proceedings.

4. The rules are needed and reasonable.
5. A Copy of the board’s authorization to adopt the rules is attached.

ORDER

The above-named rules, in the form published in the State Register on November 19, 2018, with the changes noted above, are adopted under my authority in Minnesota Statutes, section 270.47.

3.5.2019
Date

Andrea Fish
Andrea Fish, Executive Secretary
Minnesota Board of Assessors