

## 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: R-04779.**

**Proposed Amendment to Rules Governing Property Tax Assessor Licensure, Education, and Conduct, *Minnesota Rules*, Chapter 1950.**

**Introduction.** The Minnesota State Board of Assessors (“Board”) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (“OAH”), *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons submit a written request for a hearing by 4:30 p.m. on Friday, December 22, 2023, the Board will hold a virtual public hearing on Thursday, February 29, 2024 at 9:30 am. You can participate in the virtual hearing, which will be conducted by an administrative law judge from the Office of Administrative Hearings, via WebEx by using this link along with the associated access code and password:

<https://minnesota.webex.com/minnesota/j.php?MTID=m993d13847c0f47c6dac1ba3a1ad3cd38>

If you prefer to join the virtual hearing by phone, dial (415) 655-0003 and enter access code 2485-040-3039.

To find out whether the Board will adopt the rules with or without a hearing, contact the agency contact person (see immediately below) after Friday, December 22, 2023 and before Thursday, February 29, 2024.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person:

Jim Jordan, Attorney  
Appeals, Legal Services, and Disclosure Division  
Minnesota Department of Revenue  
600 North Robert Street  
Mail Station 2220  
St. Paul, MN 55146  
*jim.jordan@state.mn.us*

You may also submit written comments or hearing requests via the OAH Rulemaking eComments website (<https://minnesotaoah.granicusideas.com/discussions>).

**Subject of Rules.** The proposed amendment affects all three subjects of Chapter 1950, which are assessor licensure, education, and conduct. Specifically, the proposed amendment has changes that fall into the following seven categories:

1. Adds a definition of “felony”: The current rule states the Board may refuse to grant or revoke an assessor license if the applicant was convicted of a felony. Defining “felony” provides additional clarity to the public regarding the Board’s licensing standards.
2. Updates license reinstatement provisions to reflect adjusted licensure education and interview requirements: Using authority granted to the Board under *Minnesota Statutes*, sections 270.41 and 270.46, the Board adjusted licensure education and interview requirements for certain license categories since the last rule amendment to Chapter 1950 in 2020. Rule changes are proposed to ensure license reinstatement applicants meet the adjusted requirements.
3. Corrects provision governing temporary assessor license qualification for persons with “military status”: Persons with a military background that seek a temporary assessor’s license must provide the Board with proof of “military status.” The current rule incorrectly refers to the “temporary assessor’s license” as the “temporary military assessor’s license” and “temporary military certificate.” The proposed amendment corrects these misstatements.
4. Adds clarification regarding certified general appraisers (“CGAs”) seeking a temporary certified Minnesota assessor (“CMA”) license: The rule currently states that the Board shall grant a temporary CMA license to assessors with a Department-of-Commerce-issued CGA license. The rule amendment clarifies that this temporary license type includes approval to appraise income-producing properties if the license holder has completed certain statutorily required coursework.
5. Eliminates the Certified Minnesota Assessor Specialist (“CMAS”) license due to changes to statutes governing assessor licensure: As a result of changes to statutes governing assessor licensure, the CMAS license no longer serves a meaningful function for individuals seeking licensure. Therefore, the Board proposes to eliminate the CMAS license category.
6. Adds text so rule subparts for each assessor license category similarly describe the acts each license category allows the assessor to perform: The rule currently describes acts that may be performed by a CMA, but does not do the same for an Accredited Minnesota Assessor (“AMA”) or Senior Accredited Minnesota Assessor (“SAMA”). The rule amendment provides descriptions for all license categories.
7. Eliminates subpart regarding licensing at a lower level due to changes to statutes governing assessor licensure: As a result of changes to statutes governing assessor licensure, currently licensed AMAs and SAMAs must maintain at least an AMA license, and can no longer qualify for the lower-level CMA license. Therefore, the Board proposes to delete the provision which states AMAs and SAMAs can qualify for the lower-level CMA license if they fail to meet the continuing education requirements for the higher-level AMA or SAMA license.

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

**Statutory Authority.** The Board’s statutory authority to adopt the amendment is found in *Minnesota Statutes*, section 270.47, which requires the Board to “adopt rules necessary to accomplish the purpose of section 270.41 to 270.50” and “establish criteria required of assessing officials in the state.” The same statute then clarifies that the Board may establish “separate criteria...depending upon the responsibilities of the assessor.” The Board also has authority for

this rulemaking under *Minnesota Statutes*, section 270.41, subdivision 1, which requires the Board to “review, supervise, coordinate, and approve courses in assessment practices, and establish criteria for determining assessor’s qualifications.”

**Comments.** You have until 4:30 p.m. on Friday, December 22, 2023, to submit written comment in support of or in opposition to any provision in the proposed rules. Your comment must be in writing and submitted to the agency contact person or OAH eComments website (<https://minnesotaoah.granicusideas.com/discussions>) by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any suggested change to the rule language. Any comment regarding the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comment, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, and the agency contact person (see above) must receive the request by 4:30 p.m. on Friday, December 22, 2023. 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 rule proposal. You are also encouraged to state the reason for the hearing request, including any requested changes to the rule proposal. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether it must hold a public hearing.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless enough persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Board must give written notice of this to all persons who requested a hearing, explain the actions the Board took to effect the withdrawal, and ask for written comments on the Board actions to effect the withdrawal. If a public hearing is required, the Board 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 the hearing accessible, please contact the agency contact person (see above).

**Modifications.** The Board might modify the proposed rules, either because of public comment or because of the rule hearing process. It must support modifications using data or comments submitted to the Board or presented at the hearing. Before the Board can adopt substantially different rules, it must follow the procedures under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the process applicable to substantive changes to the proposed rules.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for Thursday, February 29, 2024 if the Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Board will notify you before the scheduled hearing to let you know whether the hearing will be held. You may also contact the agency contact person (see above) after Friday, December 22, 2023, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing, the Board will hold a hearing using the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed in the “Introduction” section of this notice. The hearing will continue until all interested persons have been heard. As noted above, Administrative Law Judge Suzanne Todnem is assigned to conduct the hearing. Judge Todnem’s Legal Assistant, William Moore, 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, fax (651) 539-0310, and [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us).

**Hearing Procedure.** If the Board 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 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 an extension of the five-day comment period to no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the Board and any interested person may respond in writing to any new information. New evidence may not be submitted during the five-day rebuttal period.

All post-hearing comments must be submitted to Administrative Law Judge Todnem no later than 4:30 p.m. on the due date. The OAH encourages persons submitting comments or responses to use OAH’s Rulemaking eComments website (<https://minnesotaoah.granicusideas.com/discussions>). If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by fax addressed to Administrative Law Judge Todnem using the contact information listed in the “Notice of Hearing” section (see above).

All comments or responses will be available for review at the offices of the Board or the Board’s website (<https://www.revenue.state.mn.us/minnesota-state-board-assessors>) The comments and responses will also be available for review on the Department of Revenue’s website (<https://www.revenue.state.mn.us/minnesota-administrative-rules>). The 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 procedures to Administrative Law Judge Todnem using the contact information listed in the “Notice of Hearing” section (see 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 and an estimate of the probable cost of the proposed rules. You may access the statement on the Board’s website (<https://www.revenue.state.mn.us/minnesota-state-board-assessors>) and the Department of Revenue’s website (<https://www.revenue.state.mn.us/minnesota-administrative-rules>). You may also obtain a copy for the cost of reproduction by contacting the agency contact person (see above).

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Please direct questions about this

requirement to 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 Board may adopt rules after the comment period and after the Board submits the rules and supporting documents to the OAH for a legal review. To receive notice of when the rules are submitted to the OAH for review, to receive a copy of the adopted rules, or to register with the Department of Revenue to receive notice of future rule proceedings, submit your request to the agency contact person (see 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 becomes available, and you 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 the Board adopts the rules and the date the rules are filed with the Secretary of State. Please make these requests at the hearing or by writing to the agency contact person (see above).

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

November 20, 2023

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Date

*Kelly Ydstie*

Kelly Ydstie, Executive Secretary  
Minnesota State Board of Assessors