

Minnesota Attorney General: Administrative Rules Proceedings

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277

Joel A. Watne
Special Assistant Attorney General
Highway Department

December 29, 1976

- SafAd 96 - 103

Adopted Rules

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

CHAPTER TEN: STANDARDS OF TRAINING FOR PERSONS ADMINISTERING AND INTERPRETING CHEMICAL TESTS FOR INTOXICATION.

SafAd 96 PURPOSE AND SCOPE

(a) The purpose of these rules is to establish minimum standards of training for persons administering and interpreting a chemical test for intoxication at the direction of a peace officer, pursuant to the provisions of Minnesota Statutes ~~1971~~ 1974, Section 169.123, and ~~acts amendatory thereto.~~ Laws 1976 Chapter 341, Section 2.

~~(b) Scope. The scope of these rules is intended to be consistent with the mandate of the legislature as expressed in Laws 1973, Chapter 555.~~

SafAd 97 DEFINITIONS

For the purposes of these rules, the following terms shall have the meanings ascribed to them:

A. Administer. The collection of a specimen of blood, breath, or urine, from a person for the purpose of analyzing such specimen to determine the alcoholic content of the person's blood.

B. Commissioner. The Commissioner of Public Safety of the State of Minnesota.

C. Peace Officer. A person described by the provisions of Minnesota Statutes ~~1971~~ 1974, Section 169.123, subdivision 1. ~~and acts amendatory thereto.~~

D. Interpret. To derive a blood-alcohol content reading from analysis of a sample of blood, breath, or urine.

SafAd 98 PERSONS WHO ADMINISTER BLOOD TESTS

Only a person who has been trained and is employed in the capacity of a physician, registered nurse, medical technologist, medical technician, or laboratory assistant may administer a blood test.

SafAd 99 PERSONS WHO ADMINISTER BREATH TESTS

Only a peace officer, who has satisfactorily completed a course of formal classroom instruction in the use of an instrument specially manufactured to analyze a specimen of breath to determine the alcoholic content of the blood, may administer a breath test. The course of instruction must be approved by the Commissioner. After completion of the described course such peace officer may be required to periodically demonstrate, to the Commissioner or his duly authorized and acting agents, his competence to satisfactorily operate such instrument.

SafAd 100 PERSONS WHO ADMINISTER URINE TESTS

Any person may administer a urine test.

SafAd 101 PRIOR REGULATION REPEALED

The provisions of Highway Regulation 2 previously adopted are hereby repealed.

~~SafAd 102-105 Reserved for future use.~~

SafAd 102 PERSONS WHO INTERPRET BLOOD OR URINE TESTS

Any person who meets the educational and occupational standards set forth below may interpret blood or urine tests:

A. Educational qualifications. A bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, toxicology or medical technology.

B. Occupational qualifications. Full-time employment or self-employment as a criminalist, crime laboratory analyst, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

SafAd 103 METHODS OF ANALYZING BLOOD OR URINE SAMPLES

Blood and urine samples shall be tested for alcohol using only procedures approved and certified to be a valid and reliable testing procedure by the Laboratory Director, Forensic Toxicology Services, Bureau of Criminal Apprehension, Department of Public Safety, State of Minnesota, based upon one of the following quantitative methods:

A. Gas Chromatograghy

B. Alcohol Dehydrogenase Reaction

C. Micro-diffusion

D. Oxidation of distillate with potassium dichromate or other approved oxidizing agents.

SafAd 104-105 Reserved for future use.

APPROVED AS TO FORM AND LEGALITY
DEC 21 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 21 1976 4:15 pm
Joan Anderson Growe
Secretary of State

Proposed Rules

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

CHAPTER TEN: STANDARDS OF TRAINING FOR PERSONS ADMINISTERING AND INTERPRETING CHEMICAL TESTS FOR INTOXICATION.

SafAd 96 PURPOSE AND SCOPE

~~(a)~~ The purpose of these rules is to establish minimum standards of training for persons administering and interpreting a chemical test for intoxication at the direction of a peace officer, pursuant to the provisions of Minnesota Statutes ~~1971~~ 1974, Section 169.123, and ~~acts amendatory thereto.~~ Laws 1976 Chapter 341, Section 2.

~~(b)--Scope.---The scope of these rules is intended to be consistent with the mandate of the legislature as expressed in Laws 1973, Chapter 555.~~

SafAd 97 DEFINITIONS

For the purposes of these rules, the following terms shall have the meanings ascribed to them:

A. Administer. The collection of a specimen of blood, breath, or urine, from a person for the purpose of analyzing such specimen to determine the alcoholic content of the person's blood.

B. Commissioner. The Commissioner of Public Safety of the State of Minnesota.

C. Peace Officer. A person described by the provisions of Minnesota Statutes ~~1971~~ 1974, Section 169.123, subdivision 1. ~~and acts amendatory thereto.~~

D. Interpret. To derive a blood-alcohol content reading from analysis of a sample of blood, breath, or urine.

SafAd 98 PERSONS WHO ADMINISTER BLOOD TESTS

Only a person who has been trained and is employed in the capacity of a physician, registered nurse, medical technologist, medical technician, or laboratory assistant may administer a blood test.

SafAd 99 PERSONS WHO ADMINISTER BREATH TESTS

Only a peace officer, who has satisfactorily completed a course of formal classroom instruction in the use of an instrument specially manufactured to analyze a specimen of breath to determine the alcoholic content of the blood, may administer a breath test. The course of instruction must be approved by the Commissioner. After completion of the described course such peace officer may be required to periodically demonstrate, to the Commissioner or his duly authorized and acting agents, his competence to satisfactorily operate such instrument.

SafAd 100 PERSONS WHO ADMINISTER URINE TESTS

Any person may administer a urine test.

SafAd 101 PRIOR REGULATION REPEALED

The provisions of Highway Regulation 2 previously adopted are hereby repealed.

~~SafAd 102-105 Reserved for future use.~~

SafAd 102 PERSONS WHO INTERPRET BLOOD OR URINE TESTS

Any person who meets the educational and occupational standards set forth below may interpret blood or urine tests:

A. Educational qualifications. A bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, toxicology or medical technology.

B. Occupational qualifications. Full-time employment or self-employment as a criminalist, crime laboratory analyst, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

SafAd 103 METHODS OF ANALYZING BLOOD OR URINE SAMPLES

Blood and urine samples shall be tested for alcohol using only procedures approved and certified to be a valid and reliable testing procedure by the Laboratory Director, Forensic Toxicology Services, Bureau of Criminal Apprehension, Department of Public Safety, State of Minnesota, based upon one of the following quantitative methods:

A. Gas Chromatograghy

B. Alcohol Dehydrogenase Reaction

C. Micro-diffusion

D. Oxidation of distillate with potassium dichromate or other approved oxidizing agents.

SafAd 104-105 Reserved for future use.

DPS Exhibit No. 2

File No.

Date 9/15/76

EXHIBIT A

STATE OF MINNESOTA

BEFORE EDWARD G. NOVAK

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

RECEIVED
AUG 3 1976
OFFICE OF HEARING EXAMINERS

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

ORDER FOR HEARING

To effectively implement Laws 1976, Chapter 341, the Minnesota Commissioner of Public Safety deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in me by Minn. Stat. 1974, Section 299A.01, Subdivision 6.

NOW, THEREFORE, IT IS ORDER this 21st day of July, 1976, that a public hearing on the proposed rules captioned above be held in the State Highway Building, Room B9, St. Paul, Minnesota, on September 15, 1976, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward G. Novak
COMMISSIONER OF PUBLIC SAFETY

EXHIBIT B

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD G. NOVAK

COMMISSIONER OF PUBLIC SAFETY

RECEIVED
AUG 3 1976
OFFICE OF HEARING EXAMINERS

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Relating to Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Department of Public Safety. The existing rules, entitled STANDARDS OF TRAINING FOR PERSONS ADMINISTERING CHEMICAL TESTS FOR INTOXICATION were originally adopted and approved October 25, 1973 and since then have not been amended.

The purpose of the proposed amendments is to comply with the legislative mandate of Laws 1976 Chapter 341, which requires that persons interpreting blood or urine tests for intoxication be fully trained in the interpretation of such tests according to standards of the Commissioner of Public Safety.

In order to establish sufficiently high standards to insure competence, yet sufficiently broad standards to allow some flexibility, standards proposed for adoption include educational and occupational qualifications as well as categories of quantitative methods to be followed.

The substantive provisions of and the amendments to each rule are discussed below.

SafAd 96. This section is amended to include language required by the enabling legislation and to refer to that legislation.

SafAd 97. A definition of "interpret" is added to this section to provide specific meaning so that the word will be uniformly understood in context throughout the rules.

SafAd 102. This section specifies the educational and occupational qualifications required for persons interpreting chemical tests for intoxication.

In addition to the Criminal Apprehension Division Laboratory, there are several other facilities used by law enforcement agencies for analysis of blood and urine specimens. In formulating these rules, those facilities were contacted to obtain their qualifications and job titles for persons presently analyzing and interpreting chemical tests for intoxication. The proposed rule is drafted to include all persons currently analyzing blood and urine samples. They were found to have bachelors or higher degrees in the fields listed and are employed in the occupations listed. The requirements contained in this rule are considered by scientific standards to be high enough to ensure competence. They also include all persons currently interpreting such tests and whose testimony has been accepted in courts of law.

DPS Exhibit No. 3
File No.
Date 9/15/76

SafAd 103. This section specifies four broad categories of quantitative methods to be followed in analyzing blood and urine tests. These are all of the major scientifically recognized methods for analysis of alcohol in biological specimens. While there are only four listed there are a large number of specific procedures that would fall into these categories. In surveying law enforcement agencies (as mentioned under SafAd 102), they were asked to provide information on the specific procedure they used. The categories listed in the proposed rule includes all the procedures currently in use by facilities which analyze blood and urine samples.

This rule also requires approval of the specific procedure used by each facility and certification that it falls into one of the four listed categories by the Criminal Apprehension Laboratory Forensic Toxicology Director. This will be of assistance in courts in determining the validity of testing procedures.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward R Novak
COMMISSIONER OF PUBLIC SAFETY

2-28-76
DATE

EXHIBIT C

STATE OF MINNESOTA

BEFORE EDWARD G. NOVAK

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

RECEIVED
AUG 16 1976
OFFICE OF HEARING EXAMINERS

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Relating to Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

NOTICE OF HEARING

Notice is hereby given that a public hearing pursuant to Minn. Stat. 1975 Supplement, Section 15.0412, Subd. 4, in the above-entitled manner will be held in the State Highway Building, Room B9, John Ireland Blvd. St. Paul, Minnesota, on September 15, 1976, commencing at 9:00 A.M., and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above.

All interested or affected persons or representatives of such groups or organizations will have an opportunity to be heard, by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted by mail to the Commissioner of Public Safety, 211 Highway Building, St. Paul, MN 55155, either before the hearing or within 20 days after the close of the hearing.

The Commissioner proposes to adopt rules relating to the following matters:

Rules of the Department of Public Safety, SafAd 96-105, presently entitled STANDARDS OF TRAINING FOR PERSONS ADMINISTERING CHEMICAL TESTS FOR INTOXICATION are being amended to include standards of training and occupational qualifications for persons interpreting blood and urine tests for intoxication. The rules propose educational requirements of a bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, toxicology or medical technology. The rules also propose full time or self-employment as a criminalist, crime laboratory analyst, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant. Finally, the proposed rules specify that testing procedures be approved and certified by the Department of Public Safety to be a valid and reliable testing procedure based on one of the following quantitative methods: gas chromatography, alcohol dehydrogenase reaction, micro-diffusion, or oxidation of distillate with potassium or other approved oxidizing agents.

DPS Exhibit No. 4
File No.
Date 9/15/76

The department's authority to promulgate the proposed rules is contained in Laws 1976, Chapter 341. The above resume contains all specific new provisions being proposed, however copies of the proposed rules are available and may be obtained by writing to Diane Hamilton, 210 State Highway Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Pursuant to Minn. Stat. 1974, Section 10A.01, Subd. 11, any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward R. Novak
COMMISSIONER OF PUBLIC SAFETY

2-28-76
DATE

EXHIBIT D

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

CERTIFICATE

I hereby certify that the enclosed 498 general labels and Public Safety list constitute the complete list of persons, associations, and other interested groups who as of 4:00 o'clock P .M., this 12th day of August, 1976, have requested pursuant to M.S. 1974, Section 15.0412, Subdivision 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

JOAN ANDERSON GROWE

Joan Anderson Growe

By Neil Dion

DPS Exhibit No. 5

File No.

Date 9/15/76

EXHIBIT E

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety governing Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

AFFIDAVIT OF RECEIPT OF SECRETARY OF STATE'S LIST

Diane Hamilton, being duly sworn on oath deposes and says:

1) That she is an employee of the Department of Public Safety of the State of Minnesota.

2) That on the 12th day of August, 1976, she went to the Secretary of State's office of the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 12th day of August, 1976, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Diane Hamilton

Subscribed and sworn to before me

this 11th day of August 1976.

Cheryl E. Waller

CHERYL E. WALLER
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Jan. 21, 1980

DPS Exhibit No. 6

File No.

Date 9/15/76

EXHIBIT F

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

AFFIDAVIT OF MAILING

Diane Hamilton, being first duly sworn, deposes and says:

That on the 13th day of August, 1976, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Diane Hamilton

Subscribed and sworn to before me

this 16th day of August, 1976.

Cheryl E. Waller

CHERYL E. WALLER
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Jan. 21, 1980

DPS Exhibit No. 7
File No.
Date 9/15/76

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the Department of Public Safety Relating to Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Bernard Singer, Hearing Examiner from the Minnesota Office of Hearing Examiners, on September 15, 1976 at 9:00 a.m. in Room B9, State Highway Building, St. Paul, Minnesota.

Joel A. Watne, Special Assistant Attorney General, appeared as counsel for the Department of Public Safety. Lowell C. Van Berkom, Laboratory Director of Forensic Toxicology Services at the Bureau of Criminal Apprehension Laboratory, and R. R. Odendahl, Drivers License Division of the Department of Public Safety in the Office of Drivers Training, appeared on behalf of the Department of Public Safety. Thomas Burr, Criminalist with the St. Paul Police Department Crime Laboratory, also appeared and testified at the hearing.

The hearing continued until all persons or representatives of interested persons or organizations desiring to be heard were heard. The record in this matter was kept open for 20 days after the close of the hearing for submission of written comments. No comments were received after September 15, 1976 relating to this proceeding.

Pursuant to Minn. Stat. § 15.052, subd. 3 (1975 Supp.), this Report will include Findings of Fact, Conclusions and Recommendations. The Department of Public Safety and the Office of Hearing Examiners will make a copy of this Report available for review to any interested person upon request. Copies of the Report will be furnished at a nominal cost.

The Department of Public Safety shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record to the Chief Hearing Examiner, pursuant to HE 108, no earlier than ten days subsequent to the receipt of this

posed, and the rules as proposed for adoption in final form. The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Department of Public Safety on the issue of substantial changes in the rules within ten calendar days. The Department will be responsible for filing the rules with the Attorney General.

After due and careful consideration of all evidence, together with all records, files and proceedings herein, the Hearing Examiner hereby makes and issues the following Findings of Fact, Conclusions and Recommendations:

FINDINGS OF FACT

1. On August 3, 1976, the Department of Public Safety filed the following documents with the Office of Hearing Examiners:

(a) A proposed Order for Hearing;

(b) A proposed Notice of Hearing with the Proposed Rules attached; and

(c) A Statement of the number of persons expected to attend and estimated length of hearing.

2. On August 13, 1976, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

3. On August 16, 1976, the Department filed with the Office of Hearing Examiners the following documents:

(a) The Order for Hearing;

(b) The Notice of Hearing as mailed;

(c) The Affidavit of Receipt of the Secretary of State's list;

(d) The Affidavit of Mailing;

(e) The Statement of Need;

(f) The names of agents of Department personnel representing the agency;

(g) A statement of evidence.

These documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

4. The Examiner takes administrative notice of the publication of Notice of Hearing and Rules as proposed in the State

Register on August 16, 1976.

5. The statutory authority to promulgate the proposed rules is contained in Laws of 1976, Ch. 341, amending Minn. Stat. 1974, Ch. 169 by adding § 169.127, subdivision 1.

6. The need to adopt these rules arose by reason of the statutory requirement of § 169.127, subdivision 1, which provides in part as follows:

> ". . . When such peace officer requests and directs the administration and interpretation of a blood or urine test pursuant to section 169.123, the person interpreting such a test at the request of the peace officer shall be fully trained in the interpretation of such tests pursuant to standards of the commissioner of public safety and shall report the results of the test to the commissioner of public safety if the test result indicates a blood alcohol content level of .10 percent or more by weight of alcohol."

7. The proposed amendments to department rules Saf Ad 96 and 97 and the addition of Saf Ad 102 and 103 are for the purpose of including specific standards of training and occupational qualifications for persons interpreting blood and urine tests for intoxication. The existing rules were originally adopted and approved October 25, 1973 and have not been amended since that date.

8. The general need to adopt these proposed rules arises because specific standards of qualifications for persons interpreting blood or urine tests for intoxication must be set out with specificity, including educational and occupational qualifications, as well as categories of quantitative methods that must be followed by said persons in their methodology.

9. Saf Ad 96 is amended to include language required by the enabling legislation as referred to above.

This rule was amended to provide a requirement of established standards of training, not only for persons administering chemical tests for intoxication, but also for those interpreting the results of said tests. The insertion of the additional words "and interpreting" enables said rule to be consistent with the enabling legislation.

10. Saf Ad 97 is amended by the addition of the definition of the word "interpret" so that said word will be uniformly understood in context throughout these rules. The definition is clear and concise and presents no ambiguities as to the responsibility

of a person who has the duty of quantifying the test results.

11. Saf Ad 102. This new rule specifies the educational qualifications required for persons interpreting chemical tests for intoxication. In addition to the criminal apprehension division laboratory, the testimony indicated that there are several other facilities used by law enforcement agencies for analysis of blood and urine specimens. The qualifications set forth in this proposed rule presently includes all persons currently analyzing blood and urine samples in Minnesota. The requirements contained in this rule are considered by scientific standards to be high enough to ensure competence. They include all persons currently interpreting such tests and whose testimony has been accepted in the past in courts of law. This section sets forth with specificity the educational and occupational qualifications necessary for a person to have the proper background to make intelligent interpretations of blood or urine test results based upon the methodology set forth in Saf Ad 103 (below).

12. Saf Ad 103. This new rule specifies four broad categories of quantitative methods to be followed by persons qualified under Saf Ad 102 to make interpretations of blood or urine tests. The quantitative analysis methods set forth in this rule are all of the major scientifically recognized methods for analysis of alcohol and biological specimens. The categories listed in this rule include all of the procedures currently in use by facilities which analyze blood and urine samples in Minnesota. The rule specifically provides for allowable procedures to be approved and certified to be valid and reliable by the Laboratory Director,Forensic Toxicology Services of the Bureau of Criminal Apprehension, Department of Public Safety, based upon one of four specific quantitative methods. Testimony indicated that the Department would issue certificates of approval of the specified method to applying agencies for their records and for use when testifying in court. Said certificate will indicate a certification by the Department of the specific methodology used by the applying Department. Testimony indicated that there could be procedures within the four quantitative methods listed that might not be approved by the

Department. Even though the basic method may be acceptable to the Department, the application of said method to the intent of the rule may not be acceptable by the Laboratory Director.

CONCLUSIONS

1. That due, timely and adequate legal notice of the hearing was properly served and filed by the Department of Public Safety. All of the substantive and procedural requirements of statute or rule have been complied with.

2. The Department of Public Safety has documented its statutory authority to promulgate the proposed rules and amendments.

3. The Department of Public Safety has demonstrated the need for and reasonableness of its proposed rules with an affirmative presentation of facts.

Based on the foregoing conclusions, the Hearing Examiner makes the following recommendations:

RECOMMENDATIONS

The Examiner hereby recommends that all of the proposed rules and amendments to existing rules, as contained in DPS exhibit No. 1, be promulgated, approved and adopted.

Dated this 29th day of October, 1976.

Bernard Singer

BERNARD SINGER
Hearing Examiner

STATE OF MINNESOTA

BEFORE EDWARD G. NOVAK

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Bernard Singer, Office of Hearing Examiners of the State of Minnesota on the 15th day of September, 1976, at 9:00 a.m. in Room B9 State Highway Building, St. Paul, Minnesota, after proper notice required by M.S. 1974, Section 15,0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, the Hearing Examiner has made his findings, attached. Upon review of the Hearing Examiner's findings and the evidence and statements submitted by interested parties, I find the following:

The report of the hearing examiner is hereby adopted as the findings of the Commissioner of Public Safetv.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward G Novak
COMMISSIONER OF PUBLIC SAFETY

11-23-76
DATE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD G. NOVAK

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Standards of Training for Persons Interpreting Chemical Tests for Intoxication.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Bernard Singer, Office of Hearing Examiners of the State of Minnesota on the 15th day of September, 1976, at 9:00 a.m. in Room B9 State Highway Building, St. Paul, Minnesota, after proper notice required by M.S. 1974, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules;

NOW, THEREFORE, IT IS ORDERED that these rules identified as SafAd 96-105, STANDARDS OF TRAINING FOR PERSONS ADMINISTERING AND INTERPRETING CHEMICAL TESTS FOR INTOXICATION are adopted this 22nd day of November, 1976, pursuant to authority vested in me by M.S. 1974, Section 299A.01, Subdivision 6.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward G Novak
COMMISSIONER OF PUBLIC SAFETY