

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 848

9/14 S. Hennessy, BCA, requested to [illegible] corrected ORDER Adopting

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-1-82
DATE FOR REVIEW 9-10-82
DATE DUE 9-15-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved 9-15-82 Returned to Agency 9-17-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 9/1/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

? Order Adopting 8.30.82 Date

✓ NEW ORDER 9/14/82 Notice of Intent to Solicit Outside Opinion SR. 11.30.81

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency non-compliance with AG rule 203G.8

✓ Affidavit of Mailing Notice or rulemaking
5.20.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

? Publication in State Register same omission as in Notice as Mailed
5.24.82 At least 30/~~30~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

✓ Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General
(misstates our address, agency address)

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : JOHN P. SOPSIC
Commissioner of Public Safety

DATE: 9/15/82

ATTN: RICHARD HODSDON, Spec. Ass't. Atty. Gen.

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short Barrelled Shotguns

The rules in the above-referenced matter have not been approved by this office for the following reasons:

1. The effect of the language, "or most current version of this list" in 11 MCAR § 1.3061D would be to allow future modifications and changes to the rule by the rule. Thus, it becomes an improper delegation of authority. See Wallace v. Commissioner of Taxation, 184 N.W.2d 588 (1971).

2. Included as a firearm in the definition section (11 MCAR § 1.3061E.7) are mufflers and silencers. This is unlawful inasmuch as Minn. Stat. § 609.66, Subd. 1(6) absolutely prohibits the sale or possession of these devices.

3. Minn. Stat. § 609.67 delineates certain classes of people that may own and possess the firearms in question. There appears to be no statutory authority to exclude the classes of people listed in the rule. Additionally, certain of the classes that the rule seeks to prohibit ownership and/or possession appear to be unreasonable.

4. There is no statutory authority for the ten-day application period called for in the rule. Further, the 48-hour notification called for in the rule is at odds with the ten-day report period provided for in Minn. Stat. § 609.67, Subd. 4.

After consideration of the above comments and agency action, if any, these rules may be resubmitted for our review. Upon resubmission, please include a new or supplemental Order Adopting and two copies of the new Rule as Adopted. Also, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

Additionally, at the time when you resubmit the new rule to this office, you must submit two copies of the same to the

Revisor of Statutes.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to call me.

TAM:drw

cc: Ms. Kathy Burek
Ms. Theresa Lautherbach
Mr. Duane Harves

AG copy

Department of Public Safety
Bureau of Criminal Apprehension

Adopted Rules Governing the Possession or Ownership of Machine Guns and Short-Barrelled Shotguns

Rules as Adopted

11 MCAR S 1.3060 Statutory authority. Rules 11 MCAR SS 1.3060-1.3067 are adopted pursuant to the authority granted to the superintendent of the Bureau of Criminal Apprehension by Minn. Stat. S 299C.03.

11 MCAR S 1.3061 Definitions.

A. Applicability. For the purpose of 11 MCAR SS 1.3060-1.3067, the following terms have the meanings given them.

B. Approved machine guns and short-barrelled shotguns. "Approved machine guns and short-barrelled shotguns" are those machine guns and short-barrelled shotguns which have been determined by the superintendent to be collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and which are not likely to be used as weapons.

statutory - duplicative - crucial to understanding ?

C. Bureau. "Bureau" means the Minnesota Bureau of Criminal Apprehension.

D. Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons. "Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons" are firearms which have been determined by the superintendent of the bureau or his delegate pursuant to Minn. Stat. S 609.67, subd. 3, clause (3) to be firearms which appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list.

E. Firearm. "Firearm" means:

1. a shotgun having a barrel or barrels of less than 18 inches in length;

2. a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;

3. a rifle having a barrel or barrels of less than 16 inches in length;

4. a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;

5. any weapon or device capable of being concealed on the person and from which a shot can be discharged through the energy of an explosive; a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell; weapons with combination shotgun and rifle barrels 12 inches or more, but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading; and shall include any such weapon which may be readily restored to fire. "Firearm" does not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition;

6. a machine gun; or

7. a muffler or a silencer for any firearm whether or not such firearm is included within this definition.

cannot find any refs to "mufflers or "silencers" in statutes.

F. Persons prohibited from receiving firearms. The following persons are prohibited from receiving firearms, including an unserviceable firearm which has a frame or receiver:

1. fugitives from justice (any crime);

2. persons under indictment for, or who have been convicted of, a crime punishable for a term exceeding one year;

3. narcotic addicts or unlawful drug users;

4. Persons adjudicated mental defectives or mentally incompetent, or who have been committed to any mental institution;

5. veterans discharged under dishonorable conditions;

does agency have statutory authority to distinguish types of persons since statute itself is silent

6. persons who have renounced their United States citizenship;

7. aliens illegally or unlawfully in the United States; and

8. where the transferor is a firearms licensee, persons under 21 years of age in the case of any firearm other than a shotgun or a rifle, and persons under 18 years of age in the case of a shotgun or a rifle.

G. Superintendent. "Superintendent" means the superintendent of the Minnesota Bureau of Criminal Apprehension.

11 MCAR S 1.3062 Procedures for approval of ownership or possession.

statute appears directed more towards types of guns, not towards persons

A. Requirements. Before a person may own or possess an approved machine gun or short-barrelled shotgun, the following procedures must be followed.

B. Application. The person shall send to the superintendent a completed Bureau of Criminal Apprehension application form for the ownership or possession of an approved machine gun or short-barrelled shotgun.

C. Fee. The applicant shall send a $15 nonrefundable fee with each application.

D. Investigation. The applicant shall request the local chief of police or sheriff to conduct a background investigation of the applicant to verify that the applicant is not a person prohibited from receiving firearms. A reasonable fee not to exceed $25 may be charged to conduct the investigation. The chief of police or sheriff shall complete the background investigation within 15 calendar days.

F&F - Conclusion

Upon completion of the investigation the chief of police or sheriff shall send a written notice to the superintendent verifying that the applicant is not a person prohibited from receiving firearms.

E. Approval by superintendent. If an applicant meets the requirements of B.-D., the superintendent shall approve the application within ~~45~~ 30 days after receiving it and shall send the applicant two copies of the approved application.

F&F - Conclusion 6

F. Taking ownership or possession of firearm. Upon receiving copies of the approved application, the applicant may take ownership or possession of the firearm described in the application. Within 48 hours of taking ownership or possession, the applicant shall send the superintendent one copy of the approved application indicating the date the firearm was transferred and shall certify that the firearm is now owned or possessed by the applicant.

? appears not to agree with statutory time limit

609.67 subd. 4

11 MCAR S 1.3063 Denial or revocation of application approval. The superintendent shall deny or revoke approval of the application for ownership or possession of a machine gun or short-barrelled shotgun if:

A. the applicant misrepresents or falsifies information on the application form;

B. the superintendent determines that the firearm is not a firearm which appears now or at one time did appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list;

FofF-Conclusion 7

C. the applicant uses an approved machine gun or short-barrelled shotgun in the commission of a crime;

D. the applicant is or becomes a person prohibited from receiving firearms; or

E. the applicant fails to notify the bureau within 48 hours that he or she has become a person prohibited from receiving firearms.

11 MCAR S 1.3064 Right to contest decision. An applicant may contest the decision of the superintendent to deny or revoke an application for approval of a machine gun or short-barrelled shotgun. Proceedings shall be conducted pursuant to the Administrative Procedure Act, Minn. Stat. SS 15.0418-15.0426, and 9 MCAR SS 2.201-2.222 of the Office of Administrative Hearings.

11 MCAR S 1.3065 Data privacy. All applications, their subsequent approvals or denials, and certification of transfer

of any firearms shall be filed with the Bureau of Criminal Apprehension and shall be considered private data, available only to law enforcement officials upon request. An applicant shall be able to review his or her own file.

11 MCAR S 1.3066 Theft, destruction, or transfer. If an approved machine gun or short-barrelled shotgun is stolen, destroyed, or transferred the theft, destruction, or transfer must be reported to the bureau within 48 hours of the occurrence.

11 MCAR S 1.3067 Limited protection of application information. All persons possessing or owning a machine gun or a short-barrelled shotgun prior to the effective date of 11 MCAR SS 1.3060-1.3067 have 90 days after the effective date to apply for approval. The information contained in an application submitted to the superintendent within 90 days of the effective date of these rules shall not be used against the applicant in any criminal proceeding.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Department of Public Safety AR0176

Division: Bureau of Criminal Apprehension

Agency Contact: Candy Bowman

Rule Numbers: 11 MCAR SS 1.3060 - 1.3067

Title: Adopted Rules Governing the Possession or Ownership of Machine Guns and Short-Barrelled Shotguns

Type of Rules: Permanent

Incorporations by Reference: Yes

Rule Numbers:	Material Incorporated:
11 MCAR S 1.3061 & 11 MCAR S 1.3063	1981 Curios and Relics List

Duplication of Statutory Language: None

Rule Number:	Statutory Section Duplicated:

The attached rules are approved as to form, subject to the following editorial changes:

Page 2, line 33, delete "P" in "Person" and insert "p"

Steven C. Cross — Robert P. Kittel

Steven C. Cross
Revisor of Statutes

Name: Robert P. Kittel
Title: Sr. Asst. Revisor

Date: 9/1/82
Phone: 296-0218

Rules as Proposed (all new material)

11 MCAR S 1.3060 Statutory authority. Rules 11 MCAR SS 1.3060-1.3067 are adopted pursuant to the authority granted to the superintendent of the Bureau of Criminal Apprehension by Minn. Stat. S 299C.03.

11 MCAR S 1.3061 Definitions.

A. Applicability. For the purpose of 11 MCAR SS 1.3060-1.3067, the following terms have the meanings given them.

B. Approved machine guns and short-barrelled shotguns. "Approved machine guns and short-barrelled shotguns" are those machine guns and short-barrelled shotguns which have been determined by the superintendent to be collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and which are not likely to be used as weapons.

C. Bureau. "Bureau" means the Minnesota Bureau of Criminal Apprehension.

D. Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons. "Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons" are firearms which have been determined by the superintendent of the bureau or his delegate pursuant to Minn. Stat. S 609.67, subd. 3, clause (3) to be firearms which appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list.

E. Firearm. "Firearm" means:

1. a shotgun having a barrel or barrels of less than 18 inches in length;

2. a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;

3. a rifle having a barrel or barrels of less than 16

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MVH

inches in length;

4. a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;

5. any weapon or device capable of being concealed on the person and from which a shot can be discharged through the energy of an explosive; a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell; weapons with combination shotgun and rifle barrels 12 inches or more, but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading; and shall include any such weapon which may be readily restored to fire. "Firearm" does not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition;

6. a machine gun; or

7. a muffler or a silencer for any firearm whether or not such firearm is included within this definition.

F. Persons prohibited from receiving firearms. The following persons are prohibited from receiving firearms, including an unserviceable firearm which has a frame or receiver:

1. fugitives from justice (any crime);

2. persons under indictment for, or who have been convicted of, a crime punishable for a term exceeding one year;

3. narcotic addicts or unlawful drug users;

4. Persons adjudicated mental defectives or mentally incompetent, or who have been committed to any mental institution;

5. veterans discharged under dishonorable conditions;

6. persons who have renounced their United States citizenship;

7. aliens illegally or unlawfully in the United States; and

8. where the transferor is a firearms licensee, persons under 21 years of age in the case of any firearm other than a

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shotgun or a rifle, and persons under 18 years of age in the case of a shotgun or a rifle.

G. Superintendent. "Superintendent" means the superintendent of the Minnesota Bureau of Criminal Apprehension.

11 MCAR S 1.3062 Procedures for approval of ownership or possession.

A. Requirements. Before a person may own or possess an approved machine gun or short-barrelled shotgun, the following procedures must be followed.

B. Application. The person shall send to the superintendent a completed Bureau of Criminal Apprehension application form for the ownership or possession of an approved machine gun or short-barrelled shotgun.

C. Fee. The applicant shall send a $15 nonrefundable fee with each application.

D. Investigation. The applicant shall request the local chief of police or sheriff to conduct a background investigation of the applicant to verify that the applicant is not a person prohibited from receiving firearms. A reasonable fee not to exceed $25 may be charged to conduct the investigation.

Upon completion of the investigation the chief of police or sheriff shall send a written notice to the superintendent verifying that the applicant is not a person prohibited from receiving firearms.

E. Approval by superintendent. If an applicant meets the requirements of B.-D., the superintendent shall approve the application within 45 days after receiving it and shall send the applicant two copies of the approved application.

F. Taking ownership or possession of firearm. Upon receiving copies of the approved application, the applicant may take ownership or possession of the firearm described in the application. Within 48 hours of taking ownership or possession, the applicant shall send the superintendent one copy of the approved application indicating the date the firearm was transferred and shall certify that the firearm is now owned or possessed by the applicant.

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REVISOR OF STATUTES
OFFICE BY:

11 MCAR S 1.3063 Denial or revocation of application approval. The superintendent shall deny or revoke approval of the application for ownership or possession of a machine gun or short-barrelled shotgun if:

A. the applicant misrepresents or falsifies information on the application form;

B. the superintendent determines that the firearm is a firearm which appears now or at one time did appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list;

C. the applicant uses an approved machine gun or short-barrelled shotgun in the commission of a crime;

D. the applicant is or becomes a person prohibited from receiving firearms; or

E. the applicant fails to notify the bureau within 48 hours that he or she has become a person prohibited from receiving firearms.

11 MCAR S 1.3064 Right to contest decision. An applicant may contest the decision of the superintendent to deny or revoke an application for approval of a machine gun or short-barrelled shotgun. Proceedings shall be conducted pursuant to the Administrative Procedure Act, Minn. Stat. SS 15.0418-15.0426, and 9 MCAR SS 2.201-2.222 of the Office of Administrative Hearings.

11 MCAR S 1.3065 Data privacy. All applications, their subsequent approvals or denials, and certification of transfer of any firearms shall be filed with the Bureau of Criminal Apprehension and shall be considered private data, available only to law enforcement officials upon request. An applicant shall be able to review his or her own file.

11 MCAR S 1.3066 Theft, destruction, or transfer. If an approved machine gun or short-barrelled shotgun is stolen, destroyed, or transferred the theft, destruction, or transfer

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OFFICE BY:

must be reported to the bureau within 48 hours of the occurrence.

11 MCAR S 1.3067 Limited protection of application information. All persons possessing or owning a machine gun or a short-barrelled shotgun prior to the effective date of 11 MCAR SS 1.3060-1.3067 have 90 days after the effective date to apply for approval. The information contained in an application submitted to the superintendent within 90 days of the effective date of these rules shall not be used against the applicant in any criminal proceeding.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short Barrelled Shotguns.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on May 24, 1982 and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 15.0412, subd.4, on May 20, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11 MCAR 1.3060 through 1.3067 are adopted this 14th day of September, 1982, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6. and Minn. Stat. section 609.67.

STATE OF MINNESOTA

K. A. DIRKZWAGER
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0018

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short Barrelled Shotguns.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on May 24, 1982, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 15.0412, subd.4, on May 20, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11 MCAR 1.3060 through 1.3067 are adopted this 30th day of August, 1982, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6. and Minn. Stat. section 607.67.

STATE OF MINNESOTA

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0018

Department of Public Safety
Bureau of Criminal Apprehension

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Possession of Machine Guns and Short-barreled Shotguns Pursuant to Minn. Stat. § 609.67, subds. 3 and 4

Notice is hereby given that the State of Minnesota, Department of Public Safety, Division of Bureau of Criminal Apprehension is seeking information or opinions from sources outside the agency and is preparing to promulgate new rules governing the possession of machine guns and short-barreled shotguns. The promulgation of these rules is authorized by Minnesota Statutes, § 609.67, subds. 3 and 4, which permit and require the superintendent of the Bureau of Criminal Apprehension to establish rules concerning the possession of machine guns and short-barreled shotguns.

The Bureau of Criminal Apprehension requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to: John D. Erskine, Superintendent, Bureau of Criminal Apprehension, 1246 University Avenue, St. Paul, Minnesota 55104. Oral statements will be received during regular business hours over the telephone at (612) 296-2662 and in person at the above address.

All statements of information and comment shall be accepted until January 1, 1982. Any written material received by the Bureau of Criminal Apprehension shall become part of the record in the event that the rules are promulgated.

John P. Sopsic, Commissioner
John D. Erskine, Superintendent

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short-Barrelled Shotguns

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 10th day of May, 1982, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

JOHN D. ERSKINE
SUPERINTENDENT OF THE BUREAU
OF CRIMINAL APPREHENSION

Department of Public Safety
Bureau of Criminal Apprehension

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short-Barrelled Shotguns

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Section 15.0412, Subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, Subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Steven Hennessy
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, Minnesota 55104

The Department's authority to adopt the proposed rules is contained in Minn. Stat. 299C.03 and 609.67, Subd. 3, paragraph 3. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7.

STATE OF MINNESOTA

May 12, 1982
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

May 10, 1982
DATE

JOHN D. ERSKINE
SUPERINTENDENT OF THE BUREAU OF
CRIMINAL APPREHENSION

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short-Barrelled Shotguns.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT A RULE WITHOUT PUBLIC HEARING

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

That on the 20th day of May, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, 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 State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, mailing list A. In addition, discretionary notice was served on all persons and associations contained on mailing list B.

Diane K. Hamilton

Subscribed and sworn to before me

this 20th day of May.

1982.

Sheryl L. Nielsen

SHERYL L. NIELSEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Feb. 4, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short-Barrelled Shotguns.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on files with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 a.m., this 19th day of May, 1982.

Diane K. Hamilton

Machine Guns - Mailing List A.

AID Homes, Inc./Horizon Apts.
1094 Waterloo Ave.
West St. Paul, MN 55118

Board of Directors
Alpha Homes, Inc.
P.O. Box 475
Spicer, MN 56288

Amer. Bapt. Homes/Up. Midwest
7928 Eden Road
Eden Prairie, MN 55344

Gertrude M. James
Anoka Cnty Comm. Heath &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

Arnie Lee Memorial Home
Route 2
Evansville, MN 56326

Board of Directors
Assisi Residences
218 S. Linton
Blue Earth, MN 56013

Assoc. Bldrs/Contractors, Inc.
6300 Walker St., Suite 109
Mpls, MN 55416

Rick Carter
Assoc./Health Care Facilities
2850 Metro Drive, Suite 429
Mpls, MN 55420

Assoc./Residences for Retarded
459 Rice St. Suite 301
St. Paul, MN 55013

Board of Directors
Bakke Group Home
405 Lake St.
Osakis, MN 56360

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St. Cloud, MN 56301

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St. Peter, MN 56082

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Mpls, MN 55403

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Worthington, MN 56187

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West St. Paul, MN 55118

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Department of Public Safety rulemaking governing Machine Guns and Short Barrelled Shotguns

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Department of Public Safety
Bureau of Criminal Apprehension

Proposed Rules Governing the Possession or Ownership of Machine Guns and Short-Barrelled Shotguns

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Steven Hennessy
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, MN 55104

The department's authority to adopt the proposed rules is contained in Minn. Stat. §§ 299C.03 and 609.67, subd. 3, paragraph 3. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes § 15.0412, subd. 7.

John P. Sopsic
Commissioner of Public Safety

John D. Erskine
Superintendent of the Bureau of Criminal Apprehension

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.

Rules as Proposed (all new material)

11 MCAR § 1.3060 Statutory authority. Rules 11 MCAR §§ 1.3060-1.3067 are adopted pursuant to the authority granted to the superintendent of the Bureau of Criminal Apprehension by Minn. Stat. § 299C.03.

11 MCAR § 1.3061 Definitions.

A. Applicability. For the purpose of 11 MCAR §§ 1.3060-1.3067, the following terms have the meanings given them.

B. Approved machine guns and short-barrelled shotguns. "Approved machine guns and short-barrelled shotguns" are these machine guns and short-barrelled shotguns which have been determined by the superintendent to be collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and which are not likely to be used as weapons.

C. Bureau. "Bureau" means the Minnesota Bureau of Criminal Apprehension.

D. Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons. "Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons" are firearms which have been determined by the superintendent of the bureau or his delegate pursuant to Minn. Stat. § 609.67, subd. 3, clause (3) to be firearms which appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list.

E. Firearm. "Firearm" means:

1. a shotgun having a barrel or barrels of less than 18 inches in length;

2. a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;

3. a rifle having a barrel or barrels of less than 16 inches in length;

4. a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;

5. any weapon or device capable of being concealed on the person and from which a shot can be discharged through the energy of an explosive; a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell; weapons with combination shotgun and rifle barrels 12 inches or more, but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading; and shall include any such weapon which may be readily restored to fire. "Firearm" does not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition;

6. a machine gun; or

7. a muffler or a silencer for any firearm whether or not such firearm is included within this definition.

F. Persons prohibited from receiving firearms. The following persons are prohibited from receiving firearms, including an unserviceable firearm which has a frame or receiver;

1. fugitives from justice (any crime);

2. persons under indictment for, or who have been convicted of, a crime punishable for a term exceeding one year;

3. narcotic addicts or unlawful drug users;

4. persons adjudicated mental defectives or mentally incompetent, or who have been committed to any mental institution;

5. veterans discharged under dishonorable conditions;

6. persons who have renounced their United States citizenship;

7. aliens illegally or unlawfully in the United States; and

8. where the transferor is a firearms licensee, persons under 21 years of age in the case of any firearm other than a shotgun or a rifle, and persons under 18 years of age in the case of a shotgun or a rifle.

G. Superintendent. "Superintendent" means the superintendent of the Minnesota Bureau of Criminal Apprehension.

11 MCAR § 1.3062 Procedures for approval of ownership or possession.

A. Requirements. Before a person may own or possess an approved machine gun or short-barrelled shotgun, the following procedures must be followed.

B. Application. The person shall send to the superintendent a completed Bureau of Criminal Apprehension application form for the ownership or possession of an approved machine gun or short-barrelled shotgun.

C. Fee. The applicant shall send a $15 nonrefundable fee with each application.

D. Investigation. The applicant shall request the local chief of police or sheriff to conduct a background investigation of the applicant to verify that the applicant is not a person prohibited from receiving firearms. A reasonable fee not to exceed $25 may be charged to conduct the investigation.

Upon completion of the investigation the chief of police or sheriff shall send a written notice to the superintendent verifying that the applicant is not a person prohibited from receiving firearms.

E. Approval by superintendent. If an applicant meets the requirements of B.-D., the superintendent shall approve the application within 45 days after receiving it and shall send the applicant two copies of the approved application.

F. Taking ownership or possession of firearm. Upon receiving copies of the approved application, the applicant may take ownership or possession of the firearm described in the application. Within 48 hours of taking ownership or possession, the applicant shall send the superintendent one copy of the approved application indicating the date the firearm was transferred and shall certify that the firearm is now owned or possessed by the applicant.

11 MCAR § 1.3063 Denial or revocation of application approval. The superintendent shall deny or revoke approval of the application for ownership or possession of a machine gun or short-barrelled shotgun if:

A. the applicant misrepresents or falsifies information on the application form;

B. the superintendent determines that the firearm is a firearm which appears now or at one time did appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list;

C. the applicant uses an approved machine gun or short-barrelled shotgun in the commission of a crime;

D. the applicant is or becomes a person prohibited from receiving firearms; or

E. the applicant fails to notify the bureau within 48 hours that he or she has become a person prohibited from receiving firearms.

11 MCAR § 1.3064 Right to contest decision. An applicant may contest the decision of the superintendent to deny or revoke an application for approval of a machine gun or short-barrelled shotgun. Proceedings shall be conducted pursuant to the Administrative Procedure Act, Minn. Stat. §§ 15.0418-15.0426, and 9 MCAR §§ 2.201-2.222 of the Office of Administrative Hearings.

11 MCAR § 1.3065 Data privacy. All applications, their subsequent approvals or denials, and certification of transfer of any firearms shall be filed with the Bureau of Criminal Apprehension and shall be considered private data, available only to law enforcement officials upon request. An applicant shall be able to review his or her own file.

11 MCAR § 1.3066 Theft, destruction, or transfer. If an approved machine gun or short-barrelled shotgun is stolen, destroyed, or transferred the theft, destruction, or transfer must be reported to the bureau within 48 hours of the occurrence.

11 MCAR § 1.3067 Limited protection of application information. All persons possessing or owning a machine gun or a short-barrelled shotgun prior to the effective date of 11 MCAR §§ 1.3060-1.3067 have 90 days after the effective date to apply for approval. The information contained in an application submitted to the superintendent within 90 days of the effective date of these rules shall not be used against the applicant in any criminal proceeding.

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 PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short Barrelled Shotguns.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on May 24, 1982, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4 on May 20, 1982.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than seven requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Section 609.67.

2. The Statement of Need and Reasonableness for these rules, attached hereto as Exhibit A, sets forth the need for and reasonableness of the rules to be adopted, and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

3. During the 30 day public comment period, no requests for public hearing were received.

4. Two separate letters dated June 9, 1982 and June 10, 1982 were received from Bill Larson. He objected to the definition of collector's items and firearm contained in 11MCAR 1.3061D and E. He describes a type of gun which he says does not fall within the statutory definition of short-barrelled shotgun and does not meet the criteria of the 1968 Gun Control Act. He contends that the rule definitions also do not recognize the shotgun pistols he describes. It is the department's contention that the problem he describes is merely a problem of interpretation. He is incorrect in his interpretation that the rules exclude guns which are <u>not</u> intended to be fired from the shoulder. Page 2 lines 19-22, the definition of firearm specifically excludes guns which <u>are</u> intended to be fired from the shoulder. He is correct in his belief that it is the intent of the rules that these guns be registered. Pursuant to the provision found on page 1, lines 26-34, if the gun is on the Curios and Relics List, collectors will be allowed to register and legally possess such guns, and the existing language of the proposed rules adequately handles this.

5. In his second letter Mr. Larson generally objects to promulgation of these rules as a duplication of federal efforts. This objection is not well founded, since the department is required to promulgate the rules -- by statutory authority and by the request of the Legislative Commission to Review Administrative Rules as a result of a petition. Mr. Larson also objects to the 45 day waiting period and the $15 application fee as being contrary to Minn. Stat. 609.67. That statute requires notification to the Bureau of Criminal Apprehension within 10 days after initial possession. These rules do not change that initial notification. The rules describe the form of that notification (i.e., application) as required by statute and allow the superintendent a period of time to review the police investigation report and process the application. The $15 fee does not conflict with law since there is no prohibition in the law on charging a fee. The fee is necessary to pay for processing expenses. The types of guns that come under the requirements of these rules are very expensive, as Mr. Larson points out. The fee is set at a reasonably low amount so as not to be a hardship.

6. In a personal visit, Mr. Roger Beech made verbal comments which are contained in a memo to the file and which are made part of the official record. Mr. Beech pointed out that there is no time limit in the rules for the sheriff's background investigation. This objection is well founded. He also questioned the need for the 45 day waiting period for the superintendent to approve the application as being excessive. This objection is well founded and could be reduced. He requested a reduction in the $25 local police investigation fee. The $25 fee was included in the rules at the consensus request of local police chiefs and sheriffs. It is a minimum amount they need in order to pay for the background investigation. Mr. Beech also noted a wording error in 11 MCAR 1.3063B which should read "...determines that a firearm is not a firearm which appears on ...". this objection is well founded. Similar to another public comment, Mr. Beech objected to the definition of firearm as being too broad. Again, this is a matter of interpretation and needs to be included to cover the wide array of various guns that could be included within the scope of these rules. Finally, he requested broadening the rules to include dealers in automatic weapons. This will not be considered at this time due to the intended limited scope of these rules and due to the stated limited scope of Minn. Stat. 609.67.

CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substantive and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules, attached hereto as Exhibit B, by an affirmative presentation of facts.

5. In 11 MCAR 1.3062D a requirement is added that police and sheriffs complete the background investigation in 15 calender days.

6. In 11 MCAR 1.3062E the 45 day period for the superintendent to approve the application is reduced to 30 days.

7. In 11 MCAR 1.3063B the error in wording is corrected.

8. The changes set forth in conclusions 5, 6, and 7 herein do not constitute a substantive or substantial change from the rules as proposed and published in the State Register on May 24, 1982.

STATE OF MINNESOTA

Aug. 30, 1982
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHNA019

FINDINGS OF FACT EXHIBIT A

STATEMENT OF NEED AND REASONABLENESS

REGARDING PROPOSED RULES GOVERNING THE POSSESSION

OR OWNERSHIP OF MACHINE GUNS AND SHORT-BARRELLED SHOTGUNS

11 MCAR §1.3060 Statutory Authority

The statutory authority for promulgating these proposed rules is granted to the Superintendent of the Bureau of Criminal Apprehension by Minn. Stat. § 299C.03.

11 MCAR § 1.3061 Definitions

A. Applicability. It is necessary to show the limits of applicability of these rules.

B-G. Definitions. It is necessary to define certain terms and phrases used in these rules as these terms and phrases might otherwise be subject to various interpretations.

11 MCAR § 1.3062 Procedure For Approval Of Ownership Or Possession

This rule explains the procedures for obtaining approval of ownership or possession of a machine gun or short-barrelled shotgun. The procedures are as follows:

1. The applicant requests and receives an application form (a one page form in triplicate made of self-carboning paper) from the bureau;
2. The applicant completes the application form;
3. The applicant requests the sheriff or chief of police who has jurisdiction in the community in which the applicant resides to conduct an investigation of the applicant to determine whether or not the applicant is a person prohibited from receiving firearms (a fee of up to $25.00 may be charged to the applicant by the investigating agency for each investigation);
4. If the applicant is not a person prohibited from receiving firearms, the chief of police or sheriff who conducted the investigation sends a written notice to the superintendent verifying this fact. If the applicant is a person prohibited from receiving firearms, no written notice is sent;
5. The applicant sends the completed application and a $15.00 fee to the Superintendent at approximately the same time as the written notice is sent to the Superintendent by the chief of police or sheriff;
6. Once all material (application, fee, and written notice) are received by the Superintendent, a decision of approval or denial will be made by the Superintendent within 45 days (the decision is based on all materials being complete and truthful, and the firearm being an approved machine gun or short-barrelled shotgun);
7. If the applicant is approved, the Superintendent completes the appropriate sections of the application and sends two copies of the application to the applicant;
8. When the applicant receives the two copies of the application, he or she may then take ownership or possession of the firearm listed on the application;
9. When the applicant takes possession of the firearm, he or she has 48 hours in which to complete the transfer portion of the application copies and mail one copy to the Superintendent. One copy is retained by the applicant for their records.

A. Subd. A. explains that the procedures defined in 11 MCAR §1.3062 must be followed before a person may own or possess a machine gun or short-barrelled shotgun.

B. Subd. B. states that a completed application form must be sent to the Superintendent. Information required on the applications is required by Minn. Stat. §609.67 Subd. 4.

C. Subd. C. requires the $15.00 fee paid to the bureau for each application submitted. The $15.00 fee is necessary to cover the reasonable cost of form duplication, postage, and clerical tasks. The form will be in triplicate with two self-carboning pages.

D. Subd. D. states that the applicant requests from the sheriff or chief of police who has jurisdiction in the community where the applicant resides that an investigation be conducted to determine whether or not the applicant is a person prohibited from receiving firearms. Persons prohibited from receiving firearms are defined in 11 MCAR §1.3061, F. as "1. fugitives from justice (any crime); 2. persons under indictment for, or who have been convicted of, a crime punishable for a term exceeding one year; 3. narcotic addicts or unlawful drug users; 4. persons adjudicated mental defectives or mentally incompetent, or who have been committed to any mental institution; 5. veterans discharged under dishonorable conditions; 6. persons who have renounced their United States; and 8. where the transferor is a firearms licensee, persons under 21 years of age in the case of any firearm other than a shotgun or rifle, and persons under 18 years of age in the case of a shotgun or rifle". This definition is the same as the definition used by the Bureau of Alcohol, Tobacco, and Firearms in their application instructions for Firearms Transfer and Registration Forms, and is under 18 U.S.C. Chapter 44, and Title VII of Public Law 90-351, as amended (18 U.S.C., Appendix). By using this definition, the basis on which persons could or could not be approved to own or possess a machine gun or short-barrelled shotgun in the State of Minnesota would be no more and no less stringent than the basis used by the Federal government in determining who may or may not receive firearms.

Subd. D. states that the investigating agency may charge up to $25.00 for each investigation. The fee of up to $25.00 is a necessary and reasonable amount to reimburse the law enforcement agency for manpower, office supplies, travel, and telephone costs incurred during the background investigation.

Additionally, Subd. D. explains that the sheriff or chief of police who conducted the investigation sends a written notice to the Superintendent to verify that the person is not "a person prohibited from receiving firearms". The sheriff or chief of police sends the written notice upon completion of the investigation only if it has been determined that the applicant is not a "person prohibited from receiving firearms". It is necessary for the sheriff or chief of police to send the written notice to the superintendent in order to ensure its contents contain valid, verifiable, and reliable information.

E. Subd. E. explains that the Superintendent will approve an applicant for ownership or possession when the requirements of 11 MCAR §1.3062, B-D have been met, that the decision will be made within 45 days of receipt of all necessary items by the Superintendent, and that, upon approval, two approved copies of the application will be sent to the applicant.

It is necessary to describe the requirements which must be met in order for the Superintendent to grant approval.

45 days is a reasonable amount of time to allow the Superintendent to make the decision of approval or denial. The information on the application must be verified, personal checks must be cleared, and the firearm listed on the application must be determined to be an "approved machine gun or short-barrelled shotgun". In 11 MCAR §1.3061, B. "approved machine gun or short-barrelled shotgun" is defined as "machine guns and short-barrelled shotguns which have been determined by the Superintendent to be collector's items, relics, museum pieces, or objects of curiosity, ornaments or keepsakes, and which are not likely to be used as weapons". Pursuant to Minn. Stat. §609.67, the Superintendent has defined "collector's items, relics, museum pieces, or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns" as "firearms which appear on the '1981 Curios and Relics List', issued by the Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms (Washington D.C.: 1981) or the most current version of this list". The firearms appearing on the list have been determined by the Bureau of Alcohol, Tobacco, and Firearms (B.A.T.F.) to be curios or relics through a process at the federal level. For further information regarding the list, please see Attachment A. By using the list, the Superintendent shall have a current list of firearms designated as curios or relics, and be totally within federal guidelines, while being no more stringent than necessary.

F. Subd. F. states that after the applicant receives approval, ownership or possession of the approved machine gun or short-barrelled shotgun may take place. After ownership or possession takes place, the applicant has 48 hours to notify the Superintendent that the transfer has taken place. The notification is done by the applicant completing the appropriate portion of the application and sending one copy to the Superintendent. It is necessary to complete this process so the Superintendent may know not only who is approved to have ownership/possession of a machine gun or short-barrelled shotgun, but also who has actually taken possession or ownership of such a firearm. 48 hours is a reasonable time limit to place on this notification in order to keep the Superintendent aware of current locations of machine guns and short-barrelled shotguns, thereby promoting public safety.

11 MCAR §1.3063 Denial Or Revocation Of Application Approval

This rule defines what conditions will result in denial or revocation of approval. The conditions are: 1. misrepresentation or falsification of information on the application; 2. the firearm listed on the application is not an approved machine gun or short-barrelled shotgun; 3. the applicant uses the approved machine gun or short-barrelled shotgun in the commission of a crime; 4. the applicant is or becomes a person prohibited from receiving firearms, or 5. the applicant fails to notify the bureau within 48 hours after becoming a person prohibited from receiving firearms.

It is necessary to define what conditions will constitute revocation or denial. All the conditions are necessary and reasonable in promoting public safety for citizens of Minnesota.

11 MCAR §1.3064 Right To Contest Decision

This rule states that nay applicant who wishes to contest the denial may do so by following procedures of the Administrative Procedure Act, Minn. Stat §15.0418 - 15.0426, and 9 MCAR §2.201 - 2.222 of the Office of Administrative Hearings. It is necessary and reasonable to explain the procedure for an applicant to follow to contest a decision of denial or revocation made by the Superintendent which the applicant feels is in error. 11 MCAR §1.3065 Data privacy.

This rule states that all materials collected by the bureau pursuant to 11 MCAR §1.3061 - 1.3067 will be kept at the bureau and be considered private data. The designation of private data is necessary to protect information on where approved machine guns and short-barrelled shotguns may be found, and by whom they are owned or possessed. This information should be protected to help prevent theft of these particularly dangerous firearms, thereby increasing public safety.

11 MCAR §1.3066 Theft, Destruction, Transfer

This rule explains that in the event of theft, destruction, or transfer of any approved machine gun or short-barrelled shotgun, the bureau must be notified within 48 hours of the occurrence.

It is necessary for the bureau to be aware of any machine gun or short-barrelled shotgun changing owners, possessors, being stolen or destroyed, as a method of ensuring public safety. 48 hours is a reasonable time limit for notifying the bureau in order for the Superintendent to be aware of, and take measures against, any circumstances which could ultimately endanger the public.

11 MCAR §1.3067 Limited Protection Of Application Information

This rule states that for the first 90 days after 11 MCAR §1.3061 - 1.3067 becomes effective, information on the application form cannot be used in a criminal proceeding against the applicant. There is currently suspicion that machine guns and short-barrelled shotguns may currently be owned or possessed by unknown persons in Minnesota who are not permitted to do so under the existing statutes. When these rules become effective it is desired that all persons owning/possessing any machine guns or short-barrelled shotguns apply for approval for such ownership/possession, including those who owned/possessed them prior to the effective date of these rules. 11 MCAR §1.3067 is necessary and reasonable in order to prompt all persons to apply. Without this rule, persons who owned/possessed a machine gun or short-barrelled shotgun prior to the effective date of these rules might not be willing to apply for approval for fear of prosecution upon their admission in the application, of illegally owning/possessing a machine gun or shor-barrelled shotgun. This rule will simply prevent any criminal proceeding against the applicant based solely on information appearing on the application. If, however, there is an independent investigation involving the applicant, concerning his or her suspected illegal possession of these firearms, this rule will not end the criminal investigation or proceedings or provide immunity from prosecution with evidence gathered by the independent investigation.

FINDINGS OF FACT
EXHIBIT B

Rules as Proposed (all new material)

11 MCAR S 1.3060 Statutory authority. Rules 11 MCAR SS 1.3060-1.3067 are adopted pursuant to the authority granted to the superintendent of the Bureau of Criminal Apprehension by Minn. Stat. S 299C.03.

11 MCAR S 1.3061 Definitions.

A. Applicability. For the purpose of 11 MCAR SS 1.3060-1.3067, the following terms have the meanings given them.

B. Approved machine guns and short-barrelled shotguns. "Approved machine guns and short-barrelled shotguns" are those machine guns and short-barrelled shotguns which have been determined by the superintendent to be collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and which are not likely to be used as weapons.

C. Bureau. "Bureau" means the Minnesota Bureau of Criminal Apprehension.

D. Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons. "Collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns not likely to be used as weapons" are firearms which have been determined by the superintendent of the bureau or his delegate pursuant to Minn. Stat. S 609.67, subd. 3, clause (3) to be firearms which appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list.

E. Firearm. "Firearm" means:

1. a shotgun having a barrel or barrels of less than 18 inches in length;

2. a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;

3. a rifle having a barrel or barrels of less than 16

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MVH

inches in length;

4. a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;

5. any weapon or device capable of being concealed on the person and from which a shot can be discharged through the energy of an explosive; a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell; weapons with combination shotgun and rifle barrels 12 inches or more, but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading; and shall include any such weapon which may be readily restored to fire. "Firearm" does not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition;

6. a machine gun; or

7. a muffler or a silencer for any firearm whether or not such firearm is included within this definition.

F. Persons prohibited from receiving firearms. The following persons are prohibited from receiving firearms, including an unserviceable firearm which has a frame or receiver:

1. fugitives from justice (any crime);

2. persons under indictment for, or who have been convicted of, a crime punishable for a term exceeding one year;

3. narcotic addicts or unlawful drug users;

4. Persons adjudicated mental defectives or mentally incompetent, or who have been committed to any mental institution;

5. veterans discharged under dishonorable conditions;

6. persons who have renounced their United States citizenship;

7. aliens illegally or unlawfully in the United States; and

8. where the transferor is a firearms licensee, persons under 21 years of age in the case of any firearm other than a

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shotgun or a rifle, and persons under 18 years of age in the case of a shotgun or a rifle.

G. Superintendent. "Superintendent" means the superintendent of the Minnesota Bureau of Criminal Apprehension.

11 MCAR S 1.3062 Procedures for approval of ownership or possession.

A. Requirements. Before a person may own or possess an approved machine gun or short-barrelled shotgun, the following procedures must be followed.

B. Application. The person shall send to the superintendent a completed Bureau of Criminal Apprehension application form for the ownership or possession of an approved machine gun or short-barrelled shotgun.

C. Fee. The applicant shall send a $15 nonrefundable fee with each application.

D. Investigation. The applicant shall request the local chief of police or sheriff to conduct a background investigation of the applicant to verify that the applicant is not a person prohibited from receiving firearms. A reasonable fee not to exceed $25 may be charged to conduct the investigation.

Upon completion of the investigation the chief of police or sheriff shall send a written notice to the superintendent verifying that the applicant is not a person prohibited from receiving firearms.

E. Approval by superintendent. If an applicant meets the requirements of B.-D., the superintendent shall approve the application within 45 days after receiving it and shall send the applicant two copies of the approved application.

F. Taking ownership or possession of firearm. Upon receiving copies of the approved application, the applicant may take ownership or possession of the firearm described in the application. Within 48 hours of taking ownership or possession, the applicant shall send the superintendent one copy of the approved application indicating the date the firearm was transferred and shall certify that the firearm is now owned or possessed by the applicant.

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11 MCAR S 1.3063 Denial or revocation of application approval. The superintendent shall deny or revoke approval of the application for ownership or possession of a machine gun or short-barrelled shotgun if:

A. the applicant misrepresents or falsifies information on the application form;

B. the superintendent determines that the firearm is a firearm which appears now or at one time did appear on the '1981 Curios and Relics List,' issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C., 1981) or on the most current version of this list;

C. the applicant uses an approved machine gun or short-barrelled shotgun in the commission of a crime;

D. the applicant is or becomes a person prohibited from receiving firearms; or

E. the applicant fails to notify the bureau within 48 hours that he or she has become a person prohibited from receiving firearms.

11 MCAR S 1.3064 Right to contest decision. An applicant may contest the decision of the superintendent to deny or revoke an application for approval of a machine gun or short-barrelled shotgun. Proceedings shall be conducted pursuant to the Administrative Procedure Act, Minn. Stat. SS 15.0418-15.0426, and 9 MCAR SS 2.201-2.222 of the Office of Administrative Hearings.

11 MCAR S 1.3065 Data privacy. All applications, their subsequent approvals or denials, and certification of transfer of any firearms shall be filed with the Bureau of Criminal Apprehension and shall be considered private data, available only to law enforcement officials upon request. An applicant shall be able to review his or her own file.

11 MCAR S 1.3066 Theft, destruction, or transfer. If an approved machine gun or short-barrelled shotgun is stolen, destroyed, or transferred the theft, destruction, or transfer

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must be reported to the bureau within 48 hours of the occurrence.

11 MCAR S 1.3067 Limited protection of application information. All persons possessing or owning a machine gun or a short-barrelled shotgun prior to the effective date of 11 MCAR SS 1.3060-1.3067 have 90 days after the effective date to apply for approval. The information contained in an application submitted to the superintendent within 90 days of the effective date of these rules shall not be used against the applicant in any criminal proceeding.

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OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

4/12/82
RD176

Agency: Department of Public Safety

Division: Criminal Apprehension

Agency Contact: Candy Bowman

Phone Number: 297-3327

Title: Proposed Rules Governing the Ownership or Possession of Approved Machine Guns or Short-barrelled Shotguns

Type of Rules: Permanent X Temporary ____

Incorporations by References:

Rule Number	Material Incorporated
11 MCAR S 1.3061 and S 1.3063	1981 Curios and Relics List

See Additional references on back Yes ____ No X

Duplication of Statutory Language

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Maryanne V. Hruby
Maryanne V. Hruby

Title: Assistant Revisor

Phone: 297-2957

STATEMENT OF NEED AND REASONABLENESS

REGARDING PROPOSED RULES GOVERNING THE POSSESSION

OR OWNERSHIP OF MACHINE GUNS AND SHORT-BARRELLED SHOTGUNS

11 MCAR §1.3060 Statutory Authority

The statutory authority for promulgating these proposed rules is granted to the Superintendent of the Bureau of Criminal Apprehension by Minn. Stat. § 299C.03.

11 MCAR § 1.3061 Definitions

A. Applicability. It is necessary to show the limits of applicability of these rules.

B-G. Definitions. It is necessary to define certain terms and phrases used in these rules as these terms and phrases might otherwise be subject to various interpretations.

11 MCAR § 1.3062 Procedure For Approval Of Ownership Or Possession

This rule explains the procedures for obtaining approval of ownership or possession of a machine gun or short-barrelled shotgun. The procedures are as follows:

1. The applicant requests and receives an application form (a one page form in triplicate made of self-carboning paper) from the bureau;
2. The applicant completes the application form;
3. The applicant requests the sheriff or chief of police who has jurisdiction in the community in which the applicant resides to conduct an investigation of the applicant to determine whether or not the applicant is a person prohibited from receiving firearms (a fee of up to $25.00 may be charged to the applicant by the investigating agency for each investigation);
4. If the applicant is not a person prohibited from receiving firearms, the chief of police or sheriff who conducted the investigation sends a written notice to the superintendent verifying this fact. If the applicant is a person prohibited from receiving firearms, no written notice is sent;
5. The applicant sends the completed application and a $15.00 fee to the Superintendent at approximately the same time as the written notice is sent to the Superintendent by the chief of police or sheriff;
6. Once all material (application, fee, and written notice) are received by the Superintendent, a decision of approval or denial will be made by the Superintendent within 45 days (the decision is based on all materials being complete and truthful, and the firearm being an approved machine gun or short-barrelled shotgun);
7. If the applicant is approved, the Superintendent completes the appropriate sections of the application and sends two copies of the application to the applicant;
8. When the applicant receives the two copies of the application, he or she may then take ownership or possession of the firearm listed on the application;
9. When the applicant takes possession of the firearm, he or she has 48 hours in which to complete the transfer portion of the application copies and mail one copy to the Superintendent. One copy is retained by the applicant for their records.

A. Subd. A. explains that the procedures defined in 11 MCAR §1.3062 must be followed before a person may own or possess a machine gun or short-barrelled shotgun.

B. Subd. B. states that a completed application form must be sent to the Superintendent. Information required on the applications is required by Minn. Stat. §609.67 Subd. 4.

C. Subd. C. requires the $15.00 fee paid to the bureau for each application submitted. The $15.00 fee is necessary to cover the reasonable cost of form duplication, postage, and clerical tasks. The form will be in triplicate with two self-carboning pages.

D. Subd. D. states that the applicant requests from the sheriff or chief of police who has jurisdiction in the community where the applicant resides that an investigation be conducted to determine whether or not the applicant is a person prohibited from receiving firearms. Persons prohibited from receiving firearms are defined in 11 MCAR §1.3061, F. as "1. fugitives from justice (any crime); 2. persons under indictment for, or who have been convicted of, a crime punishable for a term exceeding one year; 3. narcotic addicts or unlawful drug users; 4. persons adjudicated mental defectives or mentally incompetent, or who have been committed to any mental institution; 5. veterans discharged under dishonorable conditions; 6. persons who have renounced their United States; and 8. where the transferor is a firearms licensee, persons under 21 years of age in the case of any firearm other than a shotgun or rifle, and persons under 18 years of age in the case of a shotgun or rifle". This definition is the same as the definition used by the Bureau of Alcohol, Tobacco, and Firearms in their application instructions for Firearms Transfer and Registration Forms, and is under 18 U.S.C. Chapter 44, and Title VII of Public Law 90-351, as amended (18 U.S.C., Appendix). By using this definition, the basis on which persons could or could not be approved to own or possess a machine gun or short-barrelled shotgun in the State of Minnesota would be no more and no less stringent than the basis used by the Federal government in determining who may or may not receive firearms.

Subd. D. states that the investigating agency may charge up to $25.00 for each investigation. The fee of up to $25.00 is a necessary and reasonable amount to reimburse the law enforcement agency for manpower, office supplies, travel, and telephone costs incurred during the background investigation.

Additionally, Subd. D. explains that the sheriff or chief of police who conducted the investigation sends a written notice to the Superintendent to verify that the person is not "a person prohibited from receiving firearms". The sheriff or chief of police sends the written notice upon completion of the investigation only if it has been determined that the applicant is not a "person prohibited from receiving firearms". It is necessary for the sheriff or chief of police to send the written notice to the superintendent in order to ensure its contents contain valid, verifiable, and reliable information.

E. Subd. E. explains that the Superintendent will approve an applicant for ownership or possession when the requirements of 11 MCAR §1.3062, B-D have been met, that the decision will be made within 45 days of receipt of all necessary items by the Superintendent, and that, upon approval, two approved copies of the application will be sent to the applicant.

It is necessary to describe the requirements which must be met in order for the Superintendent to grant approval.

45 days is a reasonable amount of time to allow the Superintendent to make the decision of approval or denial. The information on the application must be verified, personal checks must be cleared, and the firearm listed on the application must be determined to be an "approved machine gun or short-barrelled shotgun". In 11 MCAR §1.3061, B. "approved machine gun or short-barrelled shotgun" is defined as "machine guns and short-barrelled shotguns which have been determined by the Superintendent to be collector's items, relics, museum pieces, or objects of curiosity, ornaments or keepsakes, and which are not likely to be used as weapons". Pursuant to Minn. Stat. §609.67, the Superintendent has defined "collector's items, relics, museum pieces, or objects of curiosity, ornaments or keepsakes, and approved machine guns and short-barrelled shotguns" as "firearms which appear on the '1981 Curios and Relics List', issued by the Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms (Washington D.C.: 1981) or the most current version of this list". The firearms appearing on the list have been determined by the Bureau of Alcohol, Tobacco, and Firearms (B.A.T.F.) to be curios or relics through a process at the federal level. For further information regarding the list, please see Attachment A. By using the list, the Superintendent shall have a current list of firearms designated as curios or relics, and be totally within federal guidelines, while being no more stringent than necessary.

F. Subd. F. states that after the applicant receives approval, ownership or possession of the approved machine gun or short-barrelled shotgun may take place. After ownership or possession takes place, the applicant has 48 hours to notify the Superintendent that the transfer has taken place. The notification is done by the applicant completing the appropriate portion of the application and sending one copy to the Superintendent. It is necessary to complete this process so the Superintendent may know not only who is approved to have ownership/possession of a machine gun or short-barrelled shotgun, but also who has actually taken possession or ownership of such a firearm. 48 hours is a reasonable time limit to place on this notification in order to keep the Superintendent aware of current locations of machine guns and short-barrelled shotguns, thereby promoting public safety.

11 MCAR §1.3063 Denial Or Revocation Of Application Approval

This rule defines what conditions will result in denial or revocation of approval. The conditions are: 1. misrepresentation or falsification of information on the application; 2. the firearm listed on the application is not an approved machine gun or short-barrelled shotgun; 3. the applicant uses the approved machine gun or short-barrelled shotgun in the commission of a crime; 4. the applicant is or becomes a person prohibited from receiving firearms, or 5. the applicant fails to notify the bureau within 48 hours after becoming a person prohibited from receiving firearms.

It is necessary to define what conditions will constitute revocation or denial. All the conditions are necessary and reasonable in promoting public safety for citizens of Minnesota.

11 MCAR §1.3064 Right To Contest Decision

This rule states that nay applicant who wishes to contest the denial may do so by following procedures of the Administrative Procedure Act, Minn. Stat §15.0418 - 15.0426, and 9 MCAR §2.201 - 2.222 of the Office of Administrative Hearings. It is necessary and reasonable to explain the procedure for an applicant to follow to contest a decision of denial or revocation made by the Superintendent which the applicant feels is in error. 11 MCAR §1.3065 Data privacy.

This rule states that all materials collected by the bureau pursuant to 11 MCAR §1.3061 - 1.3067 will be kept at the bureau and be considered private data. The designation of private data is necessary to protect information on where approved machine guns and short-barrelled shotguns may be found, and by whom they are owned or possessed. This information should be protected to help prevent theft of these particularly dangerous firearms, thereby increasing public safety.

11 MCAR §1.3066 Theft, Destruction, Transfer

This rule explains that in the event of theft, destruction, or transfer of any approved machine gun or short-barrelled shotgun, the bureau must be notified within 48 hours of the occurrence.

It is necessary for the bureau to be aware of any machine gun or short-barrelled shotgun changing owners, possessors, being stolen or destroyed, as a method of ensuring public safety. 48 hours is a reasonable time limit for notifying the bureau in order for the Superintendent to be aware of, and take measures against, any circumstances which could ultimately endanger the public.

11 MCAR §1.3067 Limited Protection Of Application Information

This rule states that for the first 90 days after 11 MCAR §1.3061 - 1.3067 becomes effective, information on the application form cannot be used in a criminal proceeding against the applicant. There is currently suspicion that machine guns and short-barrelled shotguns may currently be owned or possessed by unknown persons in Minnesota who are not permitted to do so under the existing statutes. When these rules become effective it is desired that all pers[illegible]s owning/possessing any machine guns or short-barrelled shotguns apply for approval for such ownership/possession, including those who owned/possessed them prior to the effective date of these rules. 11 MCAR §1.3067 is necessary and reasonable in order to prompt all persons to apply. Without this rule, persons who owned/possessed a machine gun or short-barrelled shotgun prior to the effective date of these rules might not be willing to apply for approval for fear of prosecution upon their admission in the application, of illegally owning/possessing a machine gun or shor-barrelled shotgun. This rule will simply prevent any criminal proceeding against the applicant based solely on information appearing on the application. If, however, there is an independent investigation involving the applicant, concerning his or her suspected illegal possession of these firearms, this rule will not end the criminal investigation or proceedings or provide immunity from prosecution with evidence gathered by the independent investigation.

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short Barrelled Shotguns.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Richard Hodsdon, do hereby declare that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

August 31, 1982
DATED

Richard D. Hodsdon
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Pubic Safety Governing the Possession or Ownership of Machine Guns and Short Barrelled Shotguns.

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

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

That on the 30th day of August, 1982, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Diane Hamilton

Subscribed and sworn to before me

this 27th day of August,

1982

J. L. Jacobson

J. L. JACOBSON
Notary Public, Anoka Co., Minn.
My Commission Expires
April 12, 1983

ACDKHF0020

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

211 Transportation Building
St. Paul, Minnesota 55155

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Possession or Ownership of Machine Guns and Short Barrelled Shotguns.

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minn. Stat. section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, August 30, 1982, for review as to form and legality. Pursuant to 1MCAR 1.206B, the Attorney General will not approve the rules for at least 8 calendar days after receipt, to allow any person or association time to comment on the legality of the rules, after which that office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Diane Hamilton at the above address.

Diane Hamilton

ACDKHF0019