

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1032

6/1 Mark Shields was requested to provide evidence of DOF approval. 6/4 rec'd

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-29-84
DATE FOR REVIEW 6-5-84
DATE DUE 6-12-84

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

Approved 6-5-84 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 6-6-84 Revisor approved 5/25/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 5.24.84 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
3.12.84 At least 30/20 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

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A 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

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

✓ DOF approval

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MARK K. SHIELDS
Executive Director
Attn: RICHARD HODSDON
Special Assist./Att. General

DATE: 6/5/84

FROM : LARRY D. STARNS
Special Assistant LDS
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules Governing the Licensing Fees for Peace Officers, Part-time Peace Officers, and Constables

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

LDS: sa

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

May 29, 1984

Ms. Judith Wehrwein
Office of the Attorney General
204 Administration Building
50 Sherburne
St. Paul, MN 55155

Dear Ms. Wehrwein:

Enclosed is the board's rules governing the license fees for peace officers, part-time peace officers and constables. The board's attorney, Richard Hodsdon, has suggested you call him this week if you have any questions. He will be out of state from June 3 through June 9. Please contact me when your review is completed so I can pickup the documents from your office. This will avoid any possible delay in the process.

Sincerely,

Mark K. Shields,
Executive Director

By: William C. Carter
Standards Coordinator

WCC:mmh

Enclosure

AG copy

Board of Peace Officer Standards and Training

Adopted Rules Governing License Fees for Peace Officers, Part-time Peace Officers, and Constables

Rules as Adopted

4 MCAR S 13.028 Licensing of peace officers.

A.-C. [Unchanged.]

D. Licensing fee. The appropriate licensing fee is $15 if the licensee is to be licensed for 30 to 36 months; $10 if the licensee is to be licensed for at least 18 months but less than 30 months; and $5 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months.

E. [Unchanged.]

4 MCAR S 13.030 License renewal.

A. and B. [Unchanged.]

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

a. $15 for renewal of a peace officer license;

b. $7.50 for renewal of a part-time peace officer license; and

c. $15 for renewal of a constable license.

2. The required hours of continuing education are:

a. No hours for any part-time peace officer or for a peace officer or constable who has been licensed for less than six months;

b. Sixteen hours for a peace officer or constable who has been licensed for at least six months but less than 18 months, no more than two of which consist of on-line shooting;

c. Thirty-two hours for a peace officer or constable who has been licensed for at least 18 months but less than 30 months, no more than four of which consist of on-line shooting; and

d. Forty-eight hours for a peace officer or constable who has been licensed for at least 30 months, no more than six of which consist of on-line shooting.

D. [Unchanged.]

4 MCAR S 13.031 Licensing of part-time peace officers.

A.-H. [Unchanged.]

I. Issuance of license. The executive director shall issue a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if it is valid for at least 18 months but less than 30 months; and $2.50 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

J. and K. [Unchanged.]

4 MCAR S 13.032 Constables.

A.-F. [Unchanged.]

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $15 if the license is valid

for at least 30 months but less than 36 months; $10 if it is valid for at least 18 months but less than 30 months, and $5 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. and I. [Unchanged.]

Effective date. These rules are effective July 1, 1984.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 6 1984
Joan Anderson Growe
Secretary of State
8:50 AM

APPROVED AS TO LEGALITY
June 5, 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption of Rules Governing the Licensing Fees for Peace Officers, Part-time Peace Officers, and Constables

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on March 12, 1984, and was sent by the State of Minnesota's Central Mail System for first class mailing to all persons on the list maintained by the agency purusant to Minnesota Statutes sections 14.21 - 14.28 on March 9, 1984. 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 License Fees for Peace Officers, Part-time Peace Officers, and Constables are adopted this 24th day of May, 1984, pursuant to authority vested in the Board by Minnesota Statutes 214.06, Subd. 1 and 2, Minnesota Statute 16A.128, Subd. 2, and Minnesota Statute 14.21 - 14.28.

STATE OF MINNESOTA

Mark K. Shields

Mark K. Shields
Executive Director

TO: Richard Krueger, Controller
Dept. of Public Safety

February 6, 1984

FROM: Mark K. Shields
Executive Director

SUBJECT: Notification - Increasing License Fees - POST Board

In October of 1982 a meeting was held with officials from the Department of Finance to discuss the license renewal fees of the POST Board. Josie Ashton, assigned controller to the Board at the time, accompanied me to the meeting in which we met with Mr. Al Yozamp and I believe Mr. Richard Hoeft. A discussion was held on the fees collected by the Board with a final agreement being reached that effective FY '85, the Board would increase its fees to compensate for inflationary factors.

By way of this memo, I wish to advise you that the Board is initiating the fees increase per the provisions of Laws of 1983 16A.123, Subd. 1 and Subd. 2. We will be pursuing a rule change to reflect the fee increases pursuant to the procedure for noncontroversial rules.

The actual fee increase has already been anticipated as reflected in the attached fee review sheet signed in November of 1983. If you have any questions,on this matter please give me a call.

MKS:mb

Enclosure:
Fee review

0194-02

Department of Finance

Fee Review

Department/Agency: Board of Peace Officer Standards and Training

Fee Name: See attached

Legal Citation: Minnesota Statute 214.06

Fee Set By: ☐ Law ☒ Agency

Purpose of Fee: To examine and license peace officers, part-time peace officers and constables.

☐ Dedicated ☒ Non-Dedicated

Revenue Code: 300-310-360

APID: 21509:03-10

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 81	Actual F.Y. 82	Estimated F.Y. 83	Requested F.Y. 84	Requested F.Y. 85
Actual/Anticipated Receipts	60.2	42.5	39.8	43.1	59.8
Less Actual/ Anticipated Costs	30.7	39.0	44.8	47.3	49.5
Current Difference	29.5	3.5	(5.0)	(4.2)	10.3
Accumulated Difference*	29.5	33.0	28.0	23.8	34.1
Number Paying Fee					
Present Fee	See Below				
Date Fee Last Changed					

*Accumulated from F.Y. 75.

RECEIVED
NOV 4 1983
POST

Remarks: *Board did not collect fees prior to FY1979

FY84 & 85 Cost Estimates	FY84	FY85
Anticipated Costs	43.0	45.0
Indirect Cost 10%	4.3	4.5
	47.3	49.5

Title of Fee	Cost per Application
Peace Officer Examination	
Skills	$12.50
Academic	$12.50
Retake Academic Examination	$5.00/part
Reciprocity Examination	$25.00
Reciprocity Retake	$5.00/part
Part Time Officer Examination	$12.50
Constable Examination	$25.00
Peace Officer Initial License	$10/3 yrs.*
Peace Officer License Renewal	$10/3 yrs.*
Part Time Officer License	$ 5/3 yrs.#
Part Time Officer Renewal	$ 5/3 yrs.#
Constable License	$10/3 yrs.*
Constable Renewal	$10/3 yrs.*

*Cost will increase to $15.00 per 3 yrs. in FY85.

#Cost will increase to $7.50 per 3 yrs. in FY85.

Department Authorized Signature:

Agency Controller Signature: 11/3/83

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT

Office Memorandum

TO: File

DATE: 5/23/84

FROM: William R. Carter, III WRC3
Standards Coordinator

PHONE:

SUBJECT: Notice of Intent to Solicit Outside Opinion with Written Comments

The Board did not publish this notice because no outside opinions were solicited.

WRC:mb

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption of Rules Governing the License Fees for Peace Officers, Part-time Peace Officers, and Constables

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 17th day of February, 1984, 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 Board of Peace Officer Standards and Training for that purpose and be published in the State Register.

STATE OF MINNESOTA

Mark K. Shields

Mark K. Shields, Executive Director
Board of Peace Officer Standards
and Training

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, John Erskine, do hereby certify that I am a member and the Chairman of the Board of Peace Officer Standards and Training, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Peace Officer Standards and Training duly and properly called and held on the 16th day of February, 1984, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Mark K. Shields, executive director of the Board of Peace Officer Standards and Training, be and he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing License Renewal Fees, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of February, 1984.

John D. Erskine, Board Chairperson

Attest by one other Board member

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the Board of Peace Officer
Standards and Training Governing the
License Fees for Peace Officers,
Part-time Peace Officers, and Constables AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marge Braun, being first duly sworn, deposes and says:

That on the 9th day of March, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class 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 Board of Peace Officer Standards and Training for the purpose of receiving notice of the proposed adoption of rules by this agency.

Marge Braun

Subscribed and sworn to before me
this 12th day of March, 1984.

William R. Carter, III
Notary Public

WILLIAM R. CARTER, III
NOTARY PUBLIC-MINNESOTA
My Commission Expires 1989

Board of Peace Officer Standards and Training

Proposed Rules Governing License Fees for Peace Officers, Part-time Peace Officers, and Constables

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training proposed to adopt the above-entitled rule without a public hearing. The board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 - 14.28.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency 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 rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13 - 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Mark K. Shields
Board of Peace Officer Standards and Training
333 Sibley Street, Suite 495
St. Paul, MN 55101
(612) 296-2620

Authority for the adoption of this rule is contained in Minn. Stat. §§ 214.06, 16A.128, Subd. 2, and 14.21 - 14.28. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the

Board upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, 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 be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to the above address.

A copy of the proposed rule is attached to the Notice.

Free copies of this Notice and the proposed rule are available and may be obtained by contacting the Board of Peace Officer Standards and Training.

STATE OF MINNESOTA

Mark K. Shields

Mark K. Shields, Executive Director
Board of Peace Officer Standards
and Training

Rules as Proposed

4 MCAR S 13.028 Licensing of peace officers.

A.-C. [Unchanged.]

D. Licensing fee. The appropriate licensing fee is ~~$10~~ $15 if the licensee is to be licensed for 30 to 36 months; ~~$6.66~~ $10 if the licensee is to be licensed for at least 18 months but less than 30 months; and ~~$3.33~~ $5 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months.

E. [Unchanged.]

4 MCAR S 13.030 License renewal.

A. and B. [Unchanged.]

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

a. ~~$10~~ $15 for renewal of a peace officer license;

b. ~~$5~~ $7.50 for renewal of a part-time peace officer license; and

c. ~~$10~~ $15 for renewal of a constable license.

2. The required hours of continuing education are:

a. No hours for any part-time peace officer or for a peace officer or constable who has been licensed for less than six months;

b. Sixteen hours for a peace officer or constable who has been licensed for at least six months but less than 18 months, no more than two of which consist of on-line shooting;

c. Thirty-two hours for a peace officer or constable who has been licensed for at least 18 months but less than 30 months, no more than four of which consist of on-line shooting; and

IN THE STATUTES

d. Forty-eight hours for a peace officer or constable who has been licensed for at least 30 months, no more than six of which consist of on-line shooting.

D. [Unchanged.]

4 MCAR S 13.031 Licensing of part-time peace officers.

A.-H. [Unchanged.]

I. Issuance of license. The executive director shall issue a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $5 $7.50 if the license is valid for at least 30 months but less than 36 months; ~~$3.33~~ $5 if it is valid for at least 18 months but less than 30 months; and ~~$1.66~~ $2.50 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

J. and K. [Unchanged.]

4 MCAR S 13.032 Constables.

A.-F. [Unchanged.]

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is ~~$10~~ $15 if the license is valid for at least 30 months but less than 36 months; ~~$6.66~~ $10 if it is valid for at least 18 months but less than 30 months, and ~~$3.33~~ $5 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be

licensed for less than six months.

H. and I. [Unchanged.]

Effective date. These rules are effective July 1, 1984.

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD483

Agency: Board of Peace Officer Standards and Training

Division:

Agency Contact: William R. Carter III

Rule Numbers: 4 MCAR SS 13.028; 13.030; 13.031; 13.032

Title: Proposed Rules Governing License Fees for Peace Officers, Part-time Peace Officers, and Constables

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: February 21, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training Governing the License Fees for Peace Officers, Part-time Peace Officers, and Constables

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 14.14, Subd. 1, that their names be place on file with and maintained by the Board of Peace Officer Standards and Training for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 1:00 PM, this 9th day of March, 1984.

William R. Carter, III

These were sent on 3/9/84

RULES MAILING LIST

Catherine Gasteyer, Executive Secretary
MN Private Det. & Protective Agent Board
1246 University Avenue
St. Paul, MN 55104

Dale Peterson, City Administrator
City of Littlefork
Littlefork, MN 56653

Don Woodward
Route 3
Kenyon, MN 55946

Ken Nissen, Chief
Owatonna Police Department
135 West Main Street
Owatonna, MN 55060

John Scherer, Chief
Winona Police Department
Law Enforcement Center
Winona, MN 55987

Mr. H.E. Maitland
MN Railroads Association
203 Hanover Building
St. Paul, MN 55101

Steven Neet, Chief
Long Prairie Police Department
239 Central Avenue
Long Prairie, MN 56347

Gregory Schol, Chief
Chaska Police Department
205 East 4th Street
Chaska, MN 55318

Edward Williams, Sheriff
Grant County Sheriff's Office
Courthouse
Elbow Lake, MN 56531

Galen Wills, Chief
Arlington Police Department
322 West Main Street
Arlington, MN 55307

Kathleen Burek, Executive Director
Legislative Commission to Review
Administrative Rules
Room 510 State Office Building
St. Paul, MN 55155

Director
Office of Emergency Preparedness
1380 Frost Avenue
Maplewood, MN 55109

Senator Howard Knutson
1907 Woods Lane
Burnsville, MN 55337

Mr. Doug Trouton
The Staples World
224 North 4th Street
Staples, MN 56479

Representative Steve Wenzel
Room 333 State Office Building
St. Paul, MN 55155

Senator Don Moe
Room 323 State Office Building
St. Paul, MN 55155

Stan Peskar
League of MN Cities
183 University Avenue East
St. Paul, MN 55101

Robert Heid, Chief
Browerville Police Department
City Hall, Main Street
Browerville, MN 56438

Craig Kinney, Chief
South St. Paul Police Department
125 Third Avenue North
South St. Paul, MN 55075

Sgt. Raymond Hager
Brown County Sheriff's Office
New Ulm, MN 56073

Hennepin County Sheriff's Office
Training Division
Room 6, Courthouse
Minneapolis, MN 55415

Deputy Chief Fred Sowl
Duluth Police Department
Room 104 City Hall
Duluth, MN 55802

Scott Neft, Attorney
Box 1086
Virginia, MN 55792

Mr. Ron Beyer
Box 130
Pelican Rapids, MN 56572

Peter S. Popovich
Peterson, Popovich, Knutson
and Flynn Professional Association
314 Minnesota Building
St. Paul, MN 55101

Sam Ruhle
Office of Administrative Hearing
400 Summit Bank Building
310 South 4th Avenue
Minneapolis, MN 55415

Mr. Don Adams
City of Dalton
Dalton, MN 56324

Stan Clark, Mayor
City of Remer
Box 202
Remer, MN 56672

Mr. Richard Ellison
Box 34
Int'l Falls, MN 56649

A.T.O.M.
Box 27282
Minneapolis, MN 55427

Henry Malzahn
Osseo Police Department
Box 330
Osseo, MN 55369

Criminal Justice Educators Assn.
c/o Stephen Enochson
Willmar Community College
Willmar, MN 56201

MN Chief's of Police Assn.
Daryl Plath, Secretary
107 West 5th Street
Hastings, MN 55033

Jean Dawson, Editor
The MN Government Report
B-12 Press Room, State Capitol
St. Paul, MN 55155

Peter Donohue, Attorney
916 St. Germain Street, Box 971
St. Cloud, MN 56301

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

MN Board of Nursing
717 Delaware Street NE
Minneapolis, MN 55414

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Avenue
Minneapolis, MN 55488

Barry Schrieber
St. Cloud State University
Criminal Justice Studies
St. Cloud, MN 56301

MN State Sheriffs' Assn.
P. O. Box 623
South St. Paul, MN 55075

Mr. Herb Anderson
St. Louis County Courthouse
Virginia, MN 55792

M.P.P.O.A.
200 South Robert, Suite 200
St. Paul, MN 55107

Lt. Porth
Bloomington Police Department
2215 West Old Shakopee Road
Bloomington, MN 55431

Ms. Roanne Chelich
Metro Council
300 Metro Square Building
St. Paul, MN 55101

Duane Bahn, Chief
Osakis Police Department
P. O. Box 84
Osakis, MN 56360

Dennis Brekke, Sheriff
Marshall County Sheriff's Office
Law Enforcement Center
Warren, MN 56762

Ivan Fossen, Chief
Glenwood Police Department
137 East Minnesota Avenue
Glenwood, MN 56334

Mel Kilbo, President
MN Chief's of Police Assn.
P. O. Box 86
Crystal Bay, MN 55323

Philip Finkelstein
Law Enforcement Labor Services
10800 Lyndale Avenue South
Bloomington, MN 55431

Lyle Goeddertz, Chief
Willmar Police Department
415 West Sixth Street
Willmar, MN 56201

Dannie Solie, Chief
Warroad Police Department
City Hall
Warroad, MN 56763

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training Governing the License Fees for Peace Officers, Part-time Peace Officers, and Constables

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on March 12, 1984, after proper notice required by Minnesota Statutes § 14.14, Subd. 1, was sent upon all persons, associations, and other interested groups registered with the Board of Peace Officer Standards and Training for that purpose.

After affording interested persons an opportunity to present written oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence, adduced upon the records, files, and proceedings herein, the board finds the following:

1. The rules, as proposed; a copy of which is attached hereto as Exhibit A.

2. The rules, as adopted; a copy of which is attached hereto as Exhibit B.

3. The Statement of Need and Reasonableness; a copy of which is attached hereto as Exhibit C.

4. The rules as set forth in Exhibit B does not constitute a change of form or substance, and therefore are not controversial and are adopted without additional public hearings or comment.

STATE OF MINNESOTA
BOARD OF PEACE OFFICER STNADARDS
AND TRAINING

Mark K. Shields

Mark K. Shields
Executive Director

 Exhibit A

Rules as Proposed

4 MCAR S 13.028 Licensing of peace officers.

A.-C. [Unchanged.]

D. Licensing fee. The appropriate licensing fee is ~~$10~~ $15 if the licensee is to be licensed for 30 to 36 months; ~~$6.66~~ $10 if the licensee is to be licensed for at least 18 months but less than 30 months; and ~~$3.33~~ $5 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months.

E. [Unchanged.]

4 MCAR S 13.030 License renewal.

A. and B. [Unchanged.]

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

a. ~~$10~~ $15 for renewal of a peace officer license;

b. ~~$5~~ $7.50 for renewal of a part-time peace officer license; and

c. ~~$10~~ $15 for renewal of a constable license.

2. The required hours of continuing education are:

a. No hours for any part-time peace officer or for a peace officer or constable who has been licensed for less than six months;

b. Sixteen hours for a peace officer or constable who has been licensed for at least six months but less than 18 months, no more than two of which consist of on-line shooting;

c. Thirty-two hours for a peace officer or constable who has been licensed for at least 18 months but less than 30 months, no more than four of which consist of on-line shooting; and

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d. Forty-eight hours for a peace officer or constable who has been licensed for at least 30 months, no more than six of which consist of on-line shooting.

D. [Unchanged.]

4 MCAR S 13.031 Licensing of part-time peace officers.

A.-H. [Unchanged.]

I. Issuance of license. The executive director shall issue a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $5 $7.50 if the license is valid for at least 30 months but less than 36 months; ~~$3.33~~ $5 if it is valid for at least 18 months but less than 30 months; and ~~$1.66~~ $2.50 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

J. and K. [Unchanged.]

4 MCAR S 13.032 Constables.

A.-F. [Unchanged.]

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is ~~$10~~ $15 if the license is valid for at least 30 months but less than 36 months; ~~$6.66~~ $10 if it is valid for at least 18 months but less than 30 months, and ~~$3.33~~ $5 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be

licensed for less than six months.

H. and I. [Unchanged.]

Effective date. These rules are effective July 1, 1984.

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD483

Agency: Board of Peace Officer Standards and Training

Division:

Agency Contact: William R. Carter III

Rule Numbers: 4 MCAR SS 13.028; 13.030; 13.031; 13.032

Title: Proposed Rules Governing License Fees for Peace Officers, Part-time Peace Officers, and Constables

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: February 21, 1984

Exhibit B

Board of Peace Officer Standards and Training

Adopted Rules Governing License Fees for Peace Officers, Part-time Peace Officers, and Constables

Rules as Adopted

4 MCAR S 13.028 Licensing of peace officers.

A.-C. [Unchanged.]

D. Licensing fee. The appropriate licensing fee is $15 if the licensee is to be licensed for 30 to 36 months; $10 if the licensee is to be licensed for at least 18 months but less than 30 months; and $5 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months.

E. [Unchanged.]

4 MCAR S 13.030 License renewal.

A. and B. [Unchanged.]

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

a. $15 for renewal of a peace officer license;

b. $7.50 for renewal of a part-time peace officer license; and

c. $15 for renewal of a constable license.

2. The required hours of continuing education are:

a. No hours for any part-time peace officer or for a peace officer or constable who has been licensed for less than six months;

b. Sixteen hours for a peace officer or constable who has been licensed for at least six months but less than 18 months, no more than two of which consist of on-line shooting;

c. Thirty-two hours for a peace officer or constable who has been licensed for at least 18 months but less than 30 months, no more than four of which consist of on-line shooting; and

d. Forty-eight hours for a peace officer or constable who has been licensed for at least 30 months, no more than six of which consist of on-line shooting.

D. [Unchanged.]

4 MCAR S 13.031 Licensing of part-time peace officers.

A.-H. [Unchanged.]

I. Issuance of license. The executive director shall issue a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if it is valid for at least 18 months but less than 30 months; and $2.50 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

J. and K. [Unchanged.]

4 MCAR S 13.032 Constables.

A.-F. [Unchanged.]

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $15 if the license is valid

for at least 30 months but less than 36 months; $10 if it is valid for at least 18 months but less than 30 months, and $5 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. and I. [Unchanged.]

Effective date. These rules are effective July 1, 1984.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

AR0483

Agency: Board of Peace Officer Standards and Training

Division:

Agency Contact: William R. Carter III

Rule Numbers: 4 MCAR SS 13.028; 13.030; 13.031; 13.032

Title: Adopted Rules Governing License Fees for Peace Officers, Part-time Peace Officers, and Constables

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: May 25, 1984

Exhibit C

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

STATEMENT OF NEED AND REASONABLENESS

License Fees for Peace Officers,
Part-time Peace Officers and Constables

Minn. Stat. § 214.06, Subd. 1 and 2, Minn. Stat. § 16A.128, Subd. 2, and Minn. Stat. §§ 14.21-14.28 empowers the Board of Peace Officer Standards and Training to set and adjust fees charged for the approval of the Commissioner of Finance. The Board has not changed the amount of any license fees since such fees were originally established in 1979. At that time, it was the Board's desire that fees be kept to a reasonable and modest level because (1) it wished to ensure rapid and universal compliance with the new law; (2) it sought only for these license fees to recover the cost of license administration itself and not fund other activities associated with the agency; and (3) peace officer licensees are strictly public employees, that is, there are no private peace officer licensees.

Since 1979, there has been a continuous inflationary increase in costs associated with the issuance and processing of licenses, while, as stated above, the licensing fees themselves have remained constant. The Department of Finance has, during this period, encouraged licensing boards to raise their fees to levels many times that which the Board of Peace Officer Standards and Training is seeking to establish. The Board's intent with the proposed increases in its fees is to meet inflationary increases in administrative costs only. This modest increase is necessary so that the Board can continue to comply with its legislative mandate in an efficient and effective manner.

3/84

STATE REGISTER

STATE OF MINNESOTA



VOLUME 8, NUMBER 37

March 12, 1984

Pages 2005-2040

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 8		
38	Monday Mar 5	Monday Mar 12	Monday Mar 19
39	Monday Mar 12	Monday Mar 19	Monday Mar 26
40	Monday Mar 19	Monday Mar 26	Monday Apr 2
41	Monday Mar 26	Monday Apr 2	Monday Apr 9

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Rudy Perpich
Governor

Sandra J. Hale
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Marsha Storck
Editor

Robin PanLener
Editorial Staff

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

Cover graphic: *Minnesota State Capitol*, ink drawing by Ric James.

0-10.00%	Adj. Hshld. Income	0-13,000	13,001-14,000	14,001-15,000	15,001-16,000	16,001-17,000
10.01-10.50%	Adj. Hshld. Income	0-14,000	14,001-15,000	15,001-16,000	16,001-17,000	17,001-18,000
10.51-11.00%	Adj. Hshld. Income	0-15,000	15,001-16,000	16,001-17,000	17,001-18,000	18,001-19,000

12 MCAR § 3.134 Homeownership assistance fund; downpayment assistance.

The agency may provide interest-free downpayment assistance loans to ~~eligible~~ recipients eligible for monthly homeownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required downpayment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the downpayment assistance loan shall equal the amount by which the sum of the downpayment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling, but it shall not exceed the lesser of 50 percent of the downpayment of $1,500.

Board of Peace Officer Standards and Training

Proposed Rules Governing License Fees for Peace Officers, Part-time Peace Officers, and Constables

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training proposed to adopt the above-entitled rule without a public hearing. The board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21-14.28.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency 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 rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required the agency will proceed according to the provisions of Minnesota Statutes sections 14.13-14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mark K. Shields
Board of Peace Officer Standards and Training
333 Sibley Street, Suite 495
St. Paul, Minnesota 55101
(612) 296-2620

Authority for the adoption of this rule is contained in MN. Stat. sections 214.06, 16A.128 Subd. 2, and Minn. Stat. § 14.21-14.28. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Board upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, 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 be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to the above address.

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.

A copy of the proposed rule is attached to this Notice.

Free copies of this Notice and the proposed rule are available and may be obtained by contacting the Board of Peace Officer Standards and Training.

Mark K. Shields, Executive Director
Board of Peace Officer Standards and Training

Rules as Proposed

4 MCAR § 13.028 Licensing of peace officers.

A.-C. [Unchanged.]

D. Licensing fee. The appropriate licensing fee is ~~$10~~ $15 if the licensee is to be licensed for 30 to 36 months; ~~$6.66~~ $10 if the licensee is to be licensed for at least 18 months but less than 30 months; and ~~$3.33~~ $5 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months.

E. [Unchanged.]

4 MCAR § 13.030 License renewal.

A. and B. [Unchanged.]

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

   a. ~~$10~~ $15 for renewal of a peace officer license;

   b. ~~$5~~ $7.50 for renewal of a part-time peace officer license; and

   c. ~~$10~~ $15 for renewal of a constable license.

2. The required hours of continuing education are:

   a. No hours for any part-time peace officer or for a peace officer or constable who has been licensed for less than six months;

   b. Sixteen hours for a peace officer or constable who has been licensed for at least six months but less than 18 months, no more than two of which consists of on-line shooting;

   c. Thirty-two hours for a peace officer or constable who has been licensed for at least 18 months but less than 30 months, no more than four of which consist of on-line shooting; and

   d. Forty-eight hours for a peace officer or constable who has been licensed for at least 30 months, no more than six of which consist of on-line shooting.

D. [Unchanged.]

4 MCAR § 13.031 Licensing of part-time peace officers.

A.-H. [Unchanged.]

I. Issuance of license. The executive director shall issue a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR § 13.030 A. The appropriate licensing fee is ~~$5~~ $7.50 if the license is valid for at least 30 months but less than 36 months; ~~$3.33~~ $5 if it is valid for at least 18 months but less than 30 months; and ~~$1.66~~ $2.50 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

J. and K. [Unchanged.]

4 MCAR § 13.032 Constables.

A.-F. [Unchanged.]

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR § 13.030 A. The appropriate licensing fee is ~~$10~~ $15 if the license is valid for at least

30 months but less than 36 months; ~~$6.66~~ $10 if it is valid for at least 18 months but less than 30 months, and ~~$3.33~~ $5 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. and I. [Unchanged.]

Effective date. These rules are effective July 1, 1984.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce

Adopted Temporary Rules Governing Joint Self-Insurance Employee Health Plans

The rules proposed and published at *State Register*, Volume 8, Number 24, pages 1387-1395, December 12, 1983 (8 S.R. 1387) are adopted with the following modifications:

Temporary Rules as Adopted

4 MCAR § 1.852 [Temporary] Scope.

The following are subject to the requirements of 4 MCAR §§ 1.850-1.866 [Temporary]:

C. insurance companies licensed under Minnesota Statutes, section 60A.07, subdivision 4, or service plan corporations licensed under Minnesota Statutes, section 62C.08, that provide required stop-loss coverage to a plan.

4 MCAR § 1.853 [Temporary] Definitions.

For the purposes of 4 MCAR §§ 1.850-1.866 [Temporary], the terms in A.-W. have the meanings given them unless the context clearly indicates a different meaning.

K. Insurer. "Insurer" means an insurance company licensed under Minnesota Statutes, section 60A.07, subdivision 4, and authorized by Minnesota Statutes, section 60A.06 to write the kind of insurance offered or a service plan corporation licensed under Minnesota Statutes, section 62C.08.

Q. Reinsurer. "Reinsurer" means an insurance company or service plan corporation providing stop-loss coverage, notwithstanding that primary coverage provided through a self-insurance plan is not insurance.

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.

Department of Human Rights

Adopted Temporary Rules Governing Case Processing Policies and Procedures, and Restrictions for Apprenticeship Programs

The rules proposed and published at *State Register*, Volume 8, Number 24, pages 1395-1399, December 12, 1983 (8 S.R. 1395) are adopted with the following modifications:

Temporary Rules as Adopted

12 MCAR § 1.061 [Temporary] Definitions.

C. Answer. "Answer," as used in section 363.06, subdivision 8, means ~~information from a respondent, deemed relevant by the commissioner, in~~ the respondent's initial written reply to a charge which contains information sufficient to explain the respondent's defense.

H. Would be charge. "Would be charge" means written information received by the department that may become a charge of discrimination as defined in Hum Rts 1 and 102(a) but which lacks one or more of the required elements described in Hum Rts 1 and 102(a).

12 MCAR § 1.064 [Temporary] Priority charges.

C. Legal significance. A charge has legal significance if the commissioner ~~believes~~ determines it raises an issue that may provide a legal precedent that will further the purpose of the act.

12 MCAR § 1.066 [Temporary] ~~Conciliation; agreement~~ Predetermination settlements.

~~A. Conciliation. After a finding of probable cause, the commissioner may invite the respondent to conciliate the matter. The invitation shall describe the conciliation process and may propose a remedy to resolve the proceedings. After permitting the respondent 15 days to respond to the invitation, the commissioner may issue a complaint according to Minnesota Statutes, section 363.06, subdivision 4, clause (3).~~

~~B. Agreement. If, at any time, the department and the parties agree on a resolution of the proceedings, the terms of the resolution shall be made a part of a settlement agreement.~~

~~After the respondent and the charging party have signed, the commissioner shall sign the agreement for the department. Execution of the agreement terminates the formal proceedings, subject to monitoring of the agreement by the department~~ Any time prior to a determination, the commissioner or a party to a charge may propose terms to settle a charge. A predetermination settlement may consist of terms similar to those authorized in Hum Rts 106(c).

12 MCAR § 1.070 [Temporary] Monitoring.

The department shall monitor all settlement agreements. If the commissioner believes a respondent may not have complied with an agreement, the department shall notify the respondent ~~in writing~~ by certified mail. The notice shall specify the part of the agreement the respondent is believed to have violated. After permitting the respondent 15 days after the receipt of the notice to respond, the commissioner may begin proceedings to enforce the settlement agreement.

12 MCAR § 1.071 [Temporary] Reopening certain cases.

B. Respondent; notice to; information from. The commissioner shall promptly notify the respondent ~~in writing~~by certified mail of the request. The respondent has ten days from the receipt of the notice to provide the department with pertinent information in writing on reopening the proceedings.

12 MCAR § 1.077 [Temporary] Rules temporarily superseded.

During the period that 12 MCAR §§ 1.061-1.076 [Temporary] are effective, the following rules are superseded: Hum Rts 9, 52, 53, 54, 55, 56, 57, 58, 59, 102(c), 104(b), 105(a), (c)-(h), 111, 112, 113, 114, 115, 116, 117, and 118.

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, John Erskine, do hereby certify that I am a member and the Chairman of the Board of Peace Officer Standards and Training, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Peace Officer Standards and Training, duly and properly called and held on the 24th day of May, 1984, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to license fees for peace officers, part-time peace officers, and constables be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. § 214.06, Subd. 1 and 2, Minn. Stat. § 16A.128, Subd. 2, and Minn. Stat. §§ 14.21 - 14.28, the Executive Director of the Board of Peace Officer Standards and Training, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform tne necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24th day of May, 1984.

John D. Erskine

Attest by one other Board member

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT

Office Memorandum

TO: File

DATE: 5/23/84

FROM: William R. Carter, III
Standards Coordinator

PHONE:

SUBJECT: Petition for Adopting Suspension, Amendment or Repeal of Rule

This rulemaking process was not in response to a petition filed pursuant to Minn. Stat. 14.09.

WRC:mb

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT

Office Memorandum

TO: File

DATE: 5/23/84

FROM: William R. Carter, III
Standards Coordinator

PHONE:

SUBJECT: Written Comments on Rule

Since the Notice of Intent to Adopt a Rule without a Public Hearing was published on March 12, 1984, the POST Board received only one letter. This letter is attached.

WRC:mb

Attachment

Minnesota
STATE SHERIFFS ASSOCIATION

Box 623, South St. Paul, MN 55075 • Telephone (612) 451-7216

April 17, 1984

Mr. Mark Shields, Executive Director
POST Board
333 Sibley Street - Suite 495
St. Paul, Minnesota 55101

Dear Mr. Shields:

On April 6th of 1984 the Board of Directors for the Minnesota State Sheriffs Association met. With intent purpose at this meeting, the matter of proposed rule changes relative to IV MCAR S 13.031 and 13.028 were brought up for discussion.

The intention of this letter is to inform you that by motion of the Board of Directors, it was concluded that there should be no opposition lodged relative to the adoption of the rule changes.

Respectfully,

Holland Laak

HOLLAND "Holly" LAAK
Executive Director

HL:sez

Bill: 4-22-84
Take notice and file with appropriate materials.
- MKS

RECEIVED
APR 19 1984
POST

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

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

Richard Hodsdon
Special Assistant Attorney General

Dated: May 29, 1984

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT

Office Memorandum

TO: File

DATE: 5/23/84

FROM: William R. Carter, III
Standards Coordinator

PHONE:

SUBJECT: Notice of Submission to the Attorney General

The POST Board did not receive any requests for notice of submission to the Attorney General.

WRC:mb