

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1158

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-14-85
DATE FOR REVIEW 5-23-85
DATE DUE 5-28-85

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

Approved 5/28/85 (LDS) Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 5-28-85 Revisor approved 5.14.85 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 5.9.85 Date

_____ 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
3.15.85 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3.18.85 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

N/A 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

✓ Approval of Finance re fees.

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

Executive Director
(612) 296-2620

May 13, 1985

RECEIVED
MAY 14 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Judith Wehrwein, Legal Assistant
Office of the Attorney General
Administration Division
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Dear Ms. Wehrwein:

Last Thursday, the POST Board adopted rules governing continuing education requirements, license renewal, standards of conduct and reimbursement to local units of government. These rules are being submitted to the Office of the Attorney General as required by state law.

Please contact me when your review is completed so I can pick up the documents from your office. This will avoid unnecessary delay in the rulemaking process.

If you have any questions, please feel free to contact me.

Sincerely,

Mark K. Shields
Executive Director

By: William R. Carter, III
Standards Coordinator

WC:mb

Enclosure

CHECKLIST FOR DOCUMENTS TO BE SUBMITTED TO ATTORNEY GENERAL

A. Rules as Adopted (original & 3 copies to A.G.)

B. Order Adopting (original & 3 copies to A.G.)

C. Resolution Adopting (original & 3 copies to A.G.)

D. Notice of Intent to Solicit Outside Opinion with Written Comments

E. Order for Notice to Adopt a Rule Without a Public Hearing

F. Authorizing Resolution

G. Notice of Intent to Adopt Rule Without Public Hearing

H. Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing

I. Mailing List Certificate

J. Rule as Proposed Published in State Register

K. Findings of Fact and Conclusions

L. Statement of Need and Reasonableness

M. Petition for Adoption, Suspension

N. Written Comments on the Rule or Requests for Public Hearing

O. Certificate of Compliance with Rulemaking

P. Affidavit of Mailing Notice of Submission to the Attorney General and Accompanying Notice

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: POST Board

TO: Rulemaking File

DATE: 5/10/85

FROM: William R. Carter, III WRC3
Standards Coordinator

PHONE:

SUBJECT: Written Comments on the Rule or Requests for Public Hearing

The Board did not receive any written comments on these rules, or any requests for public hearings.

WRC:mb

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT POST Board

Office Memorandum

TO: Rulemaking File

DATE: 5/10/85

FROM: William R. Carter, III WRC
Standards Coordinator

PHONE:

SUBJECT: Petition for Adoption, Suspension

The Board did not receive any petitions for adoption or suspension of the rules.

WRC:mb

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT POST Board

Office Memorandum

TO: File

DATE: 5/10/85

FROM: William R. Carter, III
Standards Coordinator

PHONE:

SUBJECT: Affidavit of Mailing Notice

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

WRC:mb

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT POST Board

Office Memorandum

TO: Rulemaking File

DATE: 5/10/85

FROM: William R. Carter, III WRC
Standards Coordinator

PHONE:

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

The Board did not seek to obtain information or opinions in preparing to propose the adoption of this rule from sources outside of the agency.

WRC:mb

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: MARK K. SHIELDS, Executive Director
Board of Peace Officer Standards & Training

DATE: 5-28-85

ATTN: RICHARD D. HODSDON
Special Assistant Attorney General

FROM: LARRY D. STARNS LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules Governing the Continuing Education Credit Hours, Restoration of Lapsed Licenses, and Reimbursement to Local Units of Government.

The above-referenced rule has been approved as to its legality by the Attorney General on May 28, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

LDS:sz

Enclosures

cc: Executive Director
Legislative Commission to Review
Administrative Rules

Chief Administrative Law Judge
Office of Administrative Hearings

AG copy

Peace Officer Standards and Training Board

Adopted Rules Governing Continuing Education, Licensing, Violations of Standards of Conduct and Reimbursement to Local Units of Government

Rules as Adopted

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this rule, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. to G. [Unchanged.]

H. The board will approve the course for continuing education credit hours based on each hour of proposed training. An hour shall consist of 50 minutes of learning activities.

I. [Unchanged.]

Subp. 4. to 10. [Unchanged.]

Subp. 11. [See Repealer.]

Subp. 12. [Unchanged.]

6700.1000 LICENSE RENEWAL.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Lapse of license.** A license shall lapse when the requirements of subpart 3 are not met.

Subp. 6. **License lapsed less than three years.** The executive director shall restore a license and issue a certificate of renewal for a license which has been lapsed for less than three years when the licensee submits:

A. the appropriate license renewal fee for a lapsed license; and

B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

Subp. 7. License renewal fee. For the purposes of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:
LSJ

subparts 6 and 9, the appropriate license renewal fee for a lapsed license is as follows:

A. lapsed peace officer license is $45; or

B. lapsed part-time peace officer license is $37.50; or

C. lapsed constable license is $45.

~~Subp. 8. Continuing education after license is restored. Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.~~ moved to

Subp. 9 8. **License lapsed more than three years.** When a license has been lapsed for more than three years, the executive director shall restore the license when:

A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for a lapsed license.

Subp. ~~10~~ 9. **Licensing examination.** For the purposes of subpart 9 8, the appropriate licensing examination is as follows:

A. the academic and skills licensing examination for a peace officer;

B. the part-time peace officer licensing examination for a part-time peace officer; or

C. the constable licensing examination for a constable.

Subp. 10. **Continuing education after license is restored.** Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of board-approved continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.

Subp. 11. **Appeals.** Any contested case which arises from subpart 3, 6, or 9 8 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Administrative Hearings.

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

A. the conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

B. the use of deadly force when not authorized by Minnesota Statutes, section 609.066;

C. the making of any false material statement under oath to the board which the peace officer does not believe to be true;

D. the making of any false material statement to the board while obtaining or renewing a license;

E. any violation of a board rule set forth in parts 6700.0100 to 6700.1900; or

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700.

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Share for peace officers working part-time.** A share may be awarded when a peace officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

Subp. 4. **Application forms.** The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. When applying for reimbursement, a local unit shall provide a list of the peace officers or constables <u>together with their license numbers</u> for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's rules.

? No FF re this new language.

Subp. 5. **Signing of application forms.** Application forms shall be signed by both the chief law enforcement officer and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 60 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

Subp. 6. [Unchanged.]

REPEALER. Minnesota Rules, part 6700.0900, subpart 11, is repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 28 1985
Joan Anderson Growe
Secretary of State
10:45 AM

APPROVED AS TO LEGALITY
May 28, 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Larry D. James
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 Continuing Education
Credit Hours, Restoration of Lapsed Licenses,
and Reimbursement to Local Units of
Government

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 18, 1985, 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 pursuant to Minnesota Statutes sections 14.21 - 14.28 on March 15, 1985. 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 Continuing Education Credit Hours, Restoration of Lapsed Licenses, and Reimbursement to Local Units of Government are adopted this 9th day of May, 1985, pursuant to authority vested in the Board by Minnesota Statutes 16A.128, 214.06, 214.12, 626.843, Subd. 1(1), 626.843, Subd. 3(d), 626.845, Subd. 1(i) and 626.86.

STATE OF MINNESOTA

Mark K. Shields

Mark K. Shields
Executive Director

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 Continuing Education Credit Hours, Lapsed License Restoration and Reimbursement to Local Units of Government.	ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED this 1st day of March, 1985, 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, Gerald Bridgeman, do hereby certify that I am a member and Vice 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 28th day of February, 1985, 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 continuing education credit hours, restoration of lapsed licenses, and reimbursement to local units of government, 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 by name this 28th day of February, 1985.

Gerald R Bridgeman

Gerald Bridgeman, Vice Chairman
Minnesota Board of Peace Officer
Standards and Training

Deborah L. Montgomery

Attest by one other Board member

Board of Peace Officer Standards and Training

Proposed Rules Governing Continuing Education Credit Hours, Restoration of Lapsed Licenses, and Reimbursement to Local Units of Government.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training (POST) is proposing to adopt the above entitled rules without a public hearing. The Board 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. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the evidence, data or views submitted to the POST Board and the modifications do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the evidence, reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, POST will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20. Pursuant to Minn. Stat. 16A.128, no hearing will be held for the fees of the lapsed license restoration process.

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

Mark K. Shields
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

The Board's authority to adopt the proposed rules is contained in Minn. Stat. 16A.128, 214.06, 214.12, 626.843, Subd. 1(1), 626.843, Subd. 3(d), 626.845, Subd. 1(i), and 626.86. Additionally, 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 board upon request.

You are advised, pursuant to Minn. Stat. Section 14.115 "Small business consideration in rulemaking," that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

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 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 date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request for the same to the above address.

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, Subd. 11, defines a lobbyist as any individual: 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. The statute provides certain exceptions. Questions as to this requirement should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155. Telephone (612) 296-5615.

A copy of the proposed rules is attached to this notice.

Mark K. Shields

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training Governing Continuing Education Credit Hours, Lapsed License Restoration, and Reimbursement to Local Units of Government

AFFIDAVIT OF MAILING

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

That on the 15th day of March, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without 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 board.

Marge Braun
Marge Braun

Subscribed and sworn to before me this 15 day of March, 1985.

William R Carter, III
Notary Public

WILLIAM R. CARTER III
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Oct. 7, 1989

Marie Ohman, Executive Secretary
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
Leg. Comm. to Review Adm. Rules
510 State Office Building
St. Paul, MN 55155

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

Keith Dickinson, Chief
Avon Police Department
Box 195
Avon, MN 56310

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

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

Senator Howard Knutson
1907 Woods Lane
Burnsville, MN 55337

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

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

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

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, MN 55415

Don Adams
City of Dalton
Dalton, MN 56324

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

Richard Ellison
Box 34
Int'l Falls, MN 56649

ATOM
Box 27282
Minneapolis, MN 55427

Henry Malzahn
Osseo Police Department
Box 330
Osseo, MN 55369

Criminal Justice Educator's Assn.
c/o Stephen Enockson
Willmar Community College
Willmar, MN 56201

MN Chiefs 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 St., Box 971
St. Cloud, MN 56301

Phillips Legislative Svc., 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 Sheriff's 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

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, Chief
Orono Police Department
P. O. Box 86
Crystal Bay, MN 55323

Phillip 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

Phillip L. Davis, Director
Law Enforcement Training Center
8900 Portland Avenue South
Bloomington, MN 55420

Clarence Ayers, President
MN Chiefs of Police Assn.
c/o Law Enforcement Center
Albert Lea, MN 56007

3/15/85

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 Continuing Education Credit Hours, Lapsed License Restoration, and Reimbursement to Local Units of Government

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 placed 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 11:30 AM this 15th day of March, 1985.

William R. Carter, III

STATE REGISTER

STATE OF MINNESOTA



VOLUME 9, NUMBER 38

March 18, 1985

Pages 2031-2082

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 9		
39	Monday Mar 11	Monday Mar 18	Monday Mar 25
40	Monday Mar 18	Monday Mar 25	Monday Apr 1
41	Monday Mar 25	Monday Apr 1	Monday Apr 8
42	Monday Apr 1	Monday Apr 8	Monday Apr 15

*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, Paul Hoffman,
Margaret Connelly, Ruth Werness
Editorial Staff

Debbie Kobold
Circulation Manager

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

Peace Officer Standards and Training Board

Proposed Rules Governing Continuing Education, Licensing, Violations of Standards of Conduct and Reimbursement to Local Units of Government

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training (POST) is proposing to adopt the above entitled rules without a public hearing. The Board 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. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the evidence, data or views submitted to the POST Board and the modifications do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the evidence, reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, POST will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20. Pursuant to Minn. Stat. 16A.128, no hearing will be held for the fees of the lapsed license restoration process.

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

Mark K. Shields
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

The Board's authority to adopt the proposed rules is contained in Minn. Stat. 16A.128, 214.06, 214.12, 626.843, Subd. 1(1), 626.843, Subd. 3(d), 626.845, Subd. 1(i), and 626.86. Additionally, 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 board upon request.

You are advised, pursuant to Minn. Stat. Section 14.115 "Small business consideration in rulemaking," that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

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 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 date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request for the same to the above address.

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, Subd. 11, defines a lobbyist as any individual: 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. The statute provides certain exceptions. Questions as to this requirement should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155. Telephone (612) 296-5615.

A copy of the proposed rules is attached to this notice.

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

C. if the tires are to be burned, the project is further from violating the air quality standards adopted by the Minnesota Pollution Control Agency than a competing project;

D. the recycling process produces a tangible product which is usable and marketable; or

E. the project produces an alternative energy resource.

Subp. 7. Approval. The authority may reject or disapprove any loan application that does not provide sufficient documentation or otherwise comply with the provisions of the act and parts 8300.3081 to 8300.3090 [Emergency]. If the authority approves a loan application, it shall pass a resolution directing the commissioner to prepare and execute the necessary loan documents.

8300.3090 [Emergency] LOAN STANDARDS.

Subpart 1. General. Loans may be approved by the authority only in accordance with the standards and procedures listed in this part.

Subp. 2. Credit evaluation by commissioner. The commissioner shall review all applications and supporting documents submitted by the borrower. For all loans, the commissioner shall make recommendations to the authority based upon an objective evaluation of the credit worthiness of the borrower, the extent to which the borrower might reasonably be expected to repay the loan, and the extent to which the state will benefit in the form of net new jobs created, expanded state or local tax bases, improvement of economic activities in depressed areas of the state, and the abatement of waste tires.

Subp. 3. General criteria for credit evaluation. Applications will be reviewed in accordance with generally accepted commercial lending practices. Standards for credit worthiness vary from industry to industry. The variation in credit characteristics of firms from one industry to the next means that each application must be evaluated against the standards for the industry which a particular borrower represents. In general, the standards set forth annually in Robert Morris Associates' (Philadelphia, PA) Annual Statements Studies shall be used as a guide in the credit analysis.

Additional credit information available from such private credit rating agencies as Standard and Poors, Dun and Bradstreet, or other reputable credit agencies may be used. Whatever credit information is obtained regarding the borrower that is included in the loan application file is subject to appropriate data privacy statutes.

Subp. 4. Personal credit references. Unless the loan is to be privately insured, credit references are required when a guaranty or pledge of personal assets or property is required as a condition for making a loan. Personal credit information pertaining to individual owners of business entities, partners, or major shareholders of closely held corporations is required in all cases when a loan is not to be privately insured, and the information must be evaluated by the commissioner. The personal credit references and credit information may include personal tax returns, personal credit reports from credit bureaus and other credit reporting agencies, and references from personal bankers.

Subp. 5. Site visit and standard. Loans may be approved by the authority only after a representative from the Department of Energy and Economic Development acting on behalf of the authority has personally visited the site at which the business is located or where the borrower proposes to do business. To the extent feasible, the authority must examine the equipment which the borrower proposes to acquire with the loan proceeds or must otherwise verify that the proceeds of the loan can reasonably be expected to be used in accordance with the plans submitted with the application.

Subp. 6. Technical analysis and standard. In those cases where the commissioner is unfamiliar with the technology associated with the capital expenditure to be financed by the loan, the commissioner may require technical documentation from a reputable testing laboratory, engineering firm, or other source of technical information. This information is required only if it is necessary to verify the claims made by the borrower for the performance of a product manufactured by the borrower, or for a piece of equipment to be acquired by the borrower with the proceeds of a business loan. The commissioner may require documentation of the borrower's claims for the performance of his or her company's products. This documentation may take the form of reports from independent testing agencies such as Underwriters' Laboratories which are generally recognized to have expertise in the area.

The Minnesota Pollution Control Agency will also be sent sufficient information to enable it to determine, and will determine, whether or not the project meets the air quality standards set by the Minnesota Pollution Control Agency.

Subp. 7. Cash flow analysis and standard. Unless it is privately insured, no business loan may be recommended by the commissioner to the authority for approval unless the commissioner or a subcommittee of the authority has performed a financial analysis on data contained in the applicant's loan file. The analysis must demonstrate that the borrower's past performance, combined with its projected financial performance, is adequate to reasonably assure that the loan will be repaid.

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

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Criteria for course approval. For the purpose of this rule, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. to G. [Unchanged.]

H. The board will approve the course for continuing education credit hours based on each ~~contact~~ hour of proposed training. ~~A contact~~ An hour shall consist of ~~no less than one~~ 50 ~~minute class session~~ minutes of learning activities.

I. [Unchanged.]

Subp. 4. to 10. [Unchanged.]

Subp. 11. [See Repealer.]

Subp. 12. [Unchanged.]

6700.1000 LICENSE RENEWAL.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Lapse of license. A license shall lapse when the requirements of subpart 3 are not met.

Subp. 6. License lapsed less than three years. The executive director shall restore a license and issue a certificate of renewal for a license which has been lapsed for less than three years when the licensee submits:

A. the appropriate license renewal fee for a lapsed license; and

B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

Subp. 7. License renewal fee. For the purposes of subparts 6 and 9, the appropriate license renewal fee for a lapsed license is as follows:

A. lapsed peace officer license is $45; or

B. lapsed part-time peace officer license is $37.50; or

C. lapsed constable license is $45.

Subp. 8. Continuing education after license is restored. Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.

Subp. 9. License lapsed more than three years. When a license has been lapsed for more than three years, the executive director shall restore the license when:

A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for a lapsed license.

Subp. 10. Licensing examination. For the purposes of subpart 9, the appropriate licensing examination is as follows:

A. the academic and skills licensing examination for a peace officer;

B. the part-time peace officer licensing examination for a part-time peace officer; or

C. the constable licensing examination for a constable.

Subp. 11. Appeals. Any contested case which arises from subpart 3, 6, or 9 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings.

6700.1600 VIOLATIONS OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

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. the conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

B. the use of deadly force when not authorized by Minnesota Statutes, section 609.066;

C. the making of any false material statement under oath to the board which the peace officer does not believe to be true;

D. the making of any false material statement to the board while obtaining or renewing a license;

E. ~~failure to comply with the board's continuing education requirements as set forth in part 6700.1000, subpart 3;~~

~~F. failure to pay the appropriate license renewal fee;~~

~~G.~~ any violation of a board rule set forth in parts 6700.0100 to 6700.1900; or

~~H.~~ F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700.

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. ~~Part-time~~ Share for peace ~~officer shares~~ officers working part-time. A share may be awarded when a peace officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

Subp. 4. Application forms. The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. ~~The board shall also provide a list of the peace officers or constables, or both, who, according to the board's records, were employed by the local unit as of July 1.~~ When applying for reimbursement, a local unit shall provide a list of the peace officers or constables for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's ~~list, or that a correction should be made and the amount of reimbursement should be adjusted in accordance with the correction~~ rules.

Subp. 5. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within ~~45~~ 60 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

Subp. 6. [Unchanged.]

REPEALER. Minnesota Rules, part 6700.0900, subpart 11, is repealed.

Pollution Control Agency
Air Quality Division

Proposed Rules Relating to Noise Control

Notice of Intent to Adopt Amendments to Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt without a public hearing, in accordance with the provisions of Minn. Stat. § 14.22-14.28 (1984), amendments to Minn. Rules Parts 7010.0100-7010.0700 (Minn. Rules NPC 1 and 2), State Noise Standards.

The proposed rule amendments are authorized by Minn. Stat. § 116.07, subd. 4 (1984). A copy of the proposed rule amendments is enclosed. One free copy of the rule amendments is available on request from the Agency. Please contact the person whose name and address appears below.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available and may be obtained by contacting:

David Kelso
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7372

Interested persons have until 4:30 p.m. on April 19, 1985, to submit comments on the proposed rule amendments. Comments should be submitted to David Kelso at the address stated above. The proposed rule amendments may be modified if the data and views received by the Agency before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed amendments.

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 Continuing Education Credit Hours, Restoration of Lapsed Licenses, and Reimbursement to Local Units of Government

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 18, 1985, 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 comments.

STATE OF MINNESOTA
BOARD OF PEACE OFFICER STANDARDS
AND TRAINING

Mark K. Shields

Mark K. Shields
Executive Director

Exhibit A

Rules as Proposed

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Criteria for course approval. For the purpose of this rule, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. to G. [Unchanged.]

H. The board will approve the course for continuing education credit hours based on each ~~contact~~ hour of proposed training. ~~A contact~~ An hour shall consist of ~~no less than one 50 minute class session~~ 50 minutes of learning activities.

I. [Unchanged.]

Subp. 4. to 10. [Unchanged.]

Subp. 11. [See Repealer.]

Subp. 12. [Unchanged.]

6700.1000 LICENSE RENEWAL.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Lapse of license. A license shall lapse when the requirements of subpart 3 are not met.

Subp. 6. License lapsed less than three years. The executive director shall restore a license and issue a certificate of renewal for a license which has been lapsed for less than three years when the licensee submits:

A. the appropriate license renewal fee for a lapsed license; and

B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

Subp. 7. License renewal fee. For the purposes of subparts 6 and 9, the appropriate license renewal fee for a lapsed license is as follows:

A. lapsed peace officer license is $45; or

B. lapsed part-time peace officer license is $37.50; or

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LSI

C. lapsed constable license is $45.

Subp. 8. Continuing education after license is restored. Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.

Subp. 9. License lapsed more than three years. When a license has been lapsed for more than three years, the executive director shall restore the license when:

A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for a lapsed license.

Subp. 10. Licensing examination. For the purposes of subpart 9, the appropriate licensing examination is as follows:

A. the academic and skills licensing examination for a peace officer;

B. the part-time peace officer licensing examination for a part-time peace officer; or

C. the constable licensing examination for a constable.

Subp. 11. Appeals. Any contested case which arises from subpart 3, 6, or 9 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings.

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

A. the conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

B. the use of deadly force when not authorized by Minnesota Statutes, section 609.066;

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C. the making of any false material statement under oath to the board which the peace officer does not believe to be true;

D. the making of any false material statement to the board while obtaining or renewing a license;

~~E. failure to comply with the board's continuing education requirements as set forth in part 6700.1000, subpart 3;~~

~~F. failure to pay the appropriate license renewal fee;~~

~~G.~~ any violation of a board rule set forth in parts 6700.0100 to 6700.1900; or

~~H.~~ F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700.

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **~~Part-time~~ Share for peace ~~officer~~ shares officers working part time.** A share may be awarded when a peace officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

Subp. 4. **Application forms.** The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. ~~The board shall also provide a list of the peace officers or constables, or both, who, according to the board's records, were employed by the local unit as of July 1.~~ When applying for reimbursement, a local unit shall provide a list of the peace officers or constables for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's ~~list, or that a correction should be made and the amount of reimbursement should be adjusted in accordance with the correction~~ rules.

Subp. 5. **Signing of application forms.** Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 45 60 days of the distribution of the forms, except that the executive director may grant an extension of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

time which shall not exceed ten days.

Subp. 6. [Unchanged.]

REPEALER. Minnesota Rules, part 6700.0900, subpart 11, is repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD733

Agency: Peace Officer Standards and Training Board

Division:

Agency Contact: William R. Carter, III

Minnesota Rules: Parts 6700.0900; 6700.1000; 6700.1600; 6700.1800

Title: Proposed Rules Governing Continuing Education, Licensing, Violations of Standards of Conduct and Reimbursement to Local Units of Government

Type of Rules: Permanent

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: February 26, 1985

Exhibit B

Peace Officer Standards and Training Board

Adopted Rules Governing Continuing Education, Licensing, Violations of Standards of Conduct and Reimbursement to Local Units of Government

Rules as Adopted

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this rule, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. to G. [Unchanged.]

H. The board will approve the course for continuing education credit hours based on each hour of proposed training. An hour shall consist of 50 minutes of learning activities.

I. [Unchanged.]

Subp. 4. to 10. [Unchanged.]

Subp. 11. [See Repealer.]

Subp. 12. [Unchanged.]

6700.1000 LICENSE RENEWAL.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Lapse of license.** A license shall lapse when the requirements of subpart 3 are not met.

Subp. 6. **License lapsed less than three years.** The executive director shall restore a license and issue a certificate of renewal for a license which has been lapsed for less than three years when the licensee submits:

A. the appropriate license renewal fee for a lapsed license; and

B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

Subp. 7. **License renewal fee.** For the purposes of

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subparts 6 and 9, the appropriate license renewal fee for a lapsed license is as follows:

A. lapsed peace officer license is $45; or

B. lapsed part-time peace officer license is $37.50; or

C. lapsed constable license is $45.

~~Subp. 8. Continuing education after license is restored. Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.~~

Subp. 9 8. **License lapsed more than three years.** When a license has been lapsed for more than three years, the executive director shall restore the license when:

A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for a lapsed license.

Subp. ~~10~~ 9. **Licensing examination.** For the purposes of subpart 9 8, the appropriate licensing examination is as follows:

A. the academic and skills licensing examination for a peace officer;

B. the part-time peace officer licensing examination for a part-time peace officer; or

C. the constable licensing examination for a constable.

Subp. 10. **Continuing education after license is restored.** Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of board-approved continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.

Subp. 11. **Appeals.** Any contested case which arises from subpart 3, 6, or 9 8 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Administrative Hearings.

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

A. the conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

B. the use of deadly force when not authorized by Minnesota Statutes, section 609.066;

C. the making of any false material statement under oath to the board which the peace officer does not believe to be true;

D. the making of any false material statement to the board while obtaining or renewing a license;

E. any violation of a board rule set forth in parts 6700.0100 to 6700.1900; or

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700.

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Share for peace officers working part time.** A share may be awarded when a peace officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

Subp. 4. **Application forms.** The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. When applying for reimbursement, a local unit shall provide a list of the peace officers or constables <u>together with their license numbers</u> for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's rules.

Subp. 5. **Signing of application forms.** Application forms shall be signed by both the chief law enforcement officer and

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REVISOR OF STATUTES
OFFICE BY:

the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 60 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

Subp. 6. [Unchanged.]

REPEALER. Minnesota Rules, part 6700.0900, subpart 11, is repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

Exhibit C

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

STATEMENT OF NEED AND REASONABLENESS

Continuing Education Credit Hours;
Lapsed License Restoration; and
Reimbursement to Local Units of
Government

Minnesota Rules, part 6700.0900 CONTINUING EDUCATION

Subp. 3. H. The term contact hour will no longer be used in order that licensees be allowed to obtain continuing education credit through non-traditional learning methods. Recent technological advances in various forms of computer and media-aided instruction and their general acceptance as educational tools by the educational and law enforcement communities make it necessary and reasonable that a rule be adopted to accommodate these alternatives to "contact" (i.e., instructor - class - lecture) instruction.

By eliminating a requirement for a minimum period of instruction, law enforcement agencies are given the flexibility to utilize shorter instruction periods which will count for continuing education credit as, for example, a twenty-minute presentation during the roll-call period. The necessity for this has been confirmed through careful consultation with law enforcement educators and practitioners.

Minnesota Rules, part 6700.1000 LICENSE RENEWAL

Subp. 5. The experience of several years has led the Board to the conclusion that a simpler and faster process is necessary for restoring the licenses of those who have failed to renew their licenses by the required date.

The present system is expensive and needlessly cumbersome, as it requires lapsed licensees to submit to an administrative process that was designed for another prupose; viz., the handling of misconduct complaints against licensees. The present system necessitates the special convening of the complaint committee each July for no other purpose than to approve routine requests for reinstatement of lapsed licenses. The time required to resolve these matters is, at present, excessive, and can result in missed employment opportunities and lost work time for lapsed licensees. The proposed rule is reasonable and necessary to provide an efficient means for resolving this problem.

Subp. 6. It is necessary to distinguish between previously licensed individuals who have been unlicensed for a relatively short period and those who have been unlicensed for longer periods. Since the continuing education requirement is designed to keep licensees current in their field, it is necessary to ensure that individuals

who are becoming relicensed are in step with those who have maintained their licenses continuously. Individuals whose license lapsed less than three years earlier may be reinstated by making up the number of continuing education credits they would have to have completed anyway. Those whose licenses have been lapsed more than three years are dealt with in subpart 9. Essentially, individuals in this rather infrequently occurring category will have to demonstrate that their training has been updated by passing the appropriate examination for the type of license being reinstated as a condition to reinstatement.

Subp. 7. It is necessary and reasonable to set a license renewal fee for a lapsed license to recover administrative costs in addition to the standards renewal fee which is included in it.

Subp. 8. It is reasonable to require those whose licenses have been reinstated to meet the same continuing education requirement that all other licensed officers are required to meet. This is to ensure that the individual's level of training is up-to-date and in step with others in the profession. The fact of a license having lapsed should confer no special advantage to the individual who allowed his license to lapse in the first place.

Subp. 9. It is necessary and reasonable to have a separate reinstatement process for those whose licenses have been lapsed for more than three years for the reasons discussed in the notes to subpart 6 above.

Subp. 10. The Board strongly believes that law enforcement training must be continually updated: yearly changes in the criminal and traffic codes, new court decisions, and rapid technological changes in patrol techniques must all be assimilated by law enforcement professionals in order that they be able to function effectively. Officers whose training is not current are not only a liability to themselves, but can prove to be a costly liability to the people they are entrusted to serve as well.

It is reasonable and necessary to require persons who have not practiced law enforcement in Minnesota for more than three years to demonstrate that they are up-to-date in the knowledge and skills necessary to function as law enforcement professionals. The licensing examination for the appropriate category of license to be reinstated is the best available existing vehicle for measuring this knowledge.

Subp. 11. Notwithstanding, the fact that this rule has been developed to ensure that a more orderly and straightforward process is available for reinstating lapsed licenses, there still must exist a means by which individuals can dispute administrative decisions having a bearing on their own particular cases and be afforded the due process that an administrative hearing can provide.

Minnesota Rules, part 6700.1600 VIOLATION OF STANDARDS OF CONDUCT

E and F. The reason for eliminating failure to comply with the Board's continuing education requirement was dealt with in 6700.1000, subpart 5. This particular requirement, along with failure to pay the required renewal fee, was never strictly in keeping with the other standards of conduct, as it related to failure to meet a particular requirement rather than the violation of a standard of conduct. It is therefore necessary and reasonable to eliminate these particular requirements as standards of conduct, as they are now adequately and more appropriately dealt with by the administrative procedures on lapsed licenses.

Minnesota Rules, part 6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT

Subp. 3. The change in this section's title is necessary to clarify ambiguous wording. A statutory distinction is made between a part-time peace officer (i.e., one who holds a special "part-time peace officer license" and who has no continuing education requirement), and a peace officer who may happen to be employed on a part-time basis.

Subp. 4. Experience with the rule in its current form has shown that it is impractical for the Board to compile this list. It is difficult for the Board to ascertain from a complete roster of an agency's law enforcement personnel who qualifies for reimbursement. Since the agency itself is making application for the reimbursement, it will prove simpler and more accurate to rely on the agency's own list. This in keeping with other Board rules that rely more on declarations of compliance by the agencies themselves than on having the Board itself attempt to establish such compliance.

Subp. 5. The 45-day time limit has proven to be difficult for some agencies to meet especially as the period for filing for reimbursement occurs during the summer when some agencies may find themselves temporarily short of personnel and city councils which often are required to review and approve these applications may have difficulty convening. Based upon POST Board experience, it is believed that extending this period by a little more than two weeks should allow all agencies adequate time to apply for their reimbursement share without undue haste or hardship.

Minnesota Rules, part 6700.0900 CONTINUING EDUCATION

Subp. 11. Repealed. Considerable discussion with law enforcement educators and practitioners has led the Board to the decision to allow so-called "non-traditional" learning experiences to count for continuing education credit, as discussed in the section on rule 6700.0900, subpart 3.H. above. It is therefore necessary to remove that part of the rules which expressly prohibited such learning methods in the past.

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, John D. 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 9th day of May, 1985, 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 continuing education credit hours, restoration of lapsed licenses, and reimbursement to local units of government be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 16A.128, 214.06, 214.12, 626.843, Subd. 1(1), 626.843, Subd. 3(d), 626.845, Subd. 1(i), and 626.86, and that Mark K. Shields, 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 the 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 9th day of May, 1985.

John D. Erskine, Chairman
Minnesota Board of Peace
Officer Standards and
Training

Attest by one other Board member

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Richard D. 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

Richard D. Hodsdon
Special Assistant Attorney General

May 10 1985
Date

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

Executive Director
(612) 296-2620

Date: May 10, 1985

To: Rulemaking File

From: William R. Carter, III WRC3
Standards Coordinator

Subject: Fees for Lapsed Licenses

The proposed rules governing restoration of lapsed licenses included a new set of license fees. According to Minn. Stat. 16A.128 (1984), these fees needed to be approved by the Department of Finance.

Prior to commencing the rulemaking process, Mark Shields spoke with Josie Ashton, the board's controller. Ms. Ashton requested a memo from Mr. Shields (Attachment A). Shortly after receiving the memo, Ms. Ashton spoke with Mr. Shields and told him she approved the increase. However, she requested Mr. Shields to complete a fee schedule (Attachment B). This document was completed and returned to Ms. Ashton.

During the week of April 22, 1985, I received a telephone call from Bart Nelson, an employee of the Department of Finance. He asked why it would cost more to renew a lapsed license that to initially obtain a license. After I explained the board's position, he asked for this in writing. This was mailed to him on April 30, 1985 (Attachment C). He also asked about a fee schedule. I told him that Ms. Ashton requested this document and that Mr. Shields had forwarded it to her.

On May 8, 1985, I called Mr. Nelson and asked him if he received my April 30, 1985 memo. He said that he did receive it and that a response was mailed. I told him that neither Mr. Shields nor I had received any correspondence from him. He went to the file and said that the response was mailed on May 2, 1985. He was surprised that we had not received his memo. It was agreed that he would leave a copy with the receptionist.

On May 9, 1985, Mark Shields received the memo (Attachment D). This memo indicates the increases becomes effective after the rulemaking procedures have been completed.

WRC:mb
Attachments

Attachment A

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

Executive Director
(612) 296-2620

DATE: February 22, 1985

TO: Josie Ashton, Controller
Department of Finance

FROM: Mark K. Shields
Executive Director

SUBJECT: Notification - Increasing Fees

The POST Board will be amending its administrative rules governing the restoration of lapsed licenses. One of these proposed changes will increase the license renewal fee for lapsed licenses:

-peace officer license $45.00;
-part-time peace officer license $37.50; or
-constable license $45.00.

Per Minn. Stat. 16A.128 (1984), I am seeking your approval of this increase. If you have any questions, please call me.

MKS:mb

Department of Finance

Fee Review

Attachment B
Rec from Josie
4/24/85

Department/Agency:
Non health-related board (Peace Officer Standards and Training)

Fee Name:
Initial license, renewal of license, testing, administrative fee

Legal Citation:
Minnesota Statutes 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:

APID:

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 83	Actual F.Y. 84	Estimated F.Y. 85	Requested F.Y. 86	Requested F.Y. 87
Actual/Anticipated Receipts	39.8	42.8	59.8	60.4	61.0
Less Actual/ Anticipated Costs					
Current Difference					
Accumulated Difference*					
Number Paying Fee					
Present Fee					
Date Fee Last Changed					

*Accumulated from F.Y. 75.

Remarks:

A new administrative rule establishes a fee for the restoration of a lapsed license. This fee is $45.00 for a peace officer or constable license and $37.50 for a part time peace officer license.

Department Authorized Signature:
Mark K. Shields

Agency Controller Signature:

SF-00006-03

Attachment C

STATE OF MINNESOTA

DEPARTMENT

Office Memorandum

TO: Bart Nelson
Department of Finance

DATE: 4/30/85

FROM: William R. Carter, III
Standards Coordinator

PHONE:

SUBJECT: Renewal Fees for Lapsed Licenses

The POST Board proposed to adopt rules on restoration of lapsed licenses. Recently, you called and asked, "Why would it cost more to renew a lapsed license than to obtain a new license?"

As we discussed, more staff time is devoted to the restoration of the lapsed license and this results in additional costs. Let me review the internal steps in restoration of the lapsed license.

1. When a person initially calls about restoring a license, the staff will explain the specific steps the person needs to complete. As part of this process, the staff member will have to review a detailed list of the continuing education the person has completed for the three years prior to the license lapsing. Additionally, the staff will assist the person in locating continuing education classes which will meet the person's needs. This also is very time-consuming because of the number of courses offered. Additionally, forms will be mailed to the person.

2. When the forms are received, all of the information needs to be verified through a manual file.

3. If everything is in order and the person has met the requirements of the rule, additional staff time is needed to update all of the board's records on the individual and to properly re-enter all the data in the computer.

4. In cases, where a person with a lapsed license will need to take the academic and skills examination, there will be the same preliminary expenses. Also, it is expected that considerable time will be spent in advising people prior to the examinations. This may include directing them to study materials and/or possible courses. Further-

more, there are additional staff costs in administering the examinations on an individual basis.

5. Once the person passes the examination, there will be mailing costs and the costs for updating the records.

In summary, more staff time is devoted to restore a lapsed license. The Board believes that the proposed changes are reasonable and necessary to cover the additional expenses.

If you have any further questions, please contact me.

WRC:mb

SF-00006-02

Attachment D

STATE OF MINNESOTA

DEPARTMENT of Finance

Office Memorandum

TO : Mark K. Shields, Executive Director
Peace Officer Standards and Training

DATE: May 2, 1985

FROM : Allen A. Yozamp, Director
Budget Operations and Support

PHONE: 296-5188

SUBJECT: Increase License Renewal Fee for Lapsed Licenses

Your proposed fee increase for the renewal of lapsed licences is approved as submitted.

The increase is approved to become effective after the necessary rule making procedures have been accomplished.

TL/AAY/BN/SC/B028

5/9/85
Noted
MKS

RECEIVED
MAY 8 1985
POST