

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1177

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 6-28-85
DATE FOR REVIEW 7-7-85
DATE DUE 7-12-85

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

Approved 7-12-85 JMM sg Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 7-18-85 Revisor approved 7/2/85
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 6.27.85 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 statement of no impact on small biz

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

_____ Mailing list Certificate

✓ Publication in State Register
5.27.85 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

✓ 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

To:

Date: 7/5/85

Re: POST Board: Part-Time Officers and Constables Selection, Training and Testing Requirements

Rules As Adopted

p.2, line 7	6700. 1101, subp 2
p.3, line 6.	" .1101, subp. 3

Both these sections require maintenance of documentation of adherence to certain standards and procedures, but appear to be in conflict because the first section requires the applicant to do the maintaining but the second section requires the chief law enforcement officer to do so.

p 4 line 35	6700. 1201, subp. 2
p. 5, line 31	" .1201, subp. 3.

Same problem as above.

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

Executive Director
(612) 296-2620

June 28, 1985

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

Dear Ms. Wehrwein:

The POST Board adopted rules governing part-time peace officers and constables selection, training and testing requirements. 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

WRC:mb

Enclosure

RECEIVED
JUN 28 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

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

DATE: 7-18-85

ATTN: RICHARD D. HODSDON
Special Assistant Attorney General

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption of Rules Governing Part-Time Peace Officers and Constables Selection, Training and Testing Requirements.

The above-referenced rule has been approved as to its legality by the Attorney General on July 12, 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.

JMM(SZ)

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

AG copy.

Board of Peace Officers Standards and Training

Adopted Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements

Rules as Adopted

6700.1100 LICENSING OF PART-TIME PEACE OFFICERS.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Applicability.** This rule applies only to part-time peace officers appointed before August 1, 1985.

Subp. 12. **Inapplicability.** This part does not apply to peace officers who are employed on a part-time basis.

REPEALER. Minnesota Rules, part 6700.1100 is repealed August 1, 1987.

6700.1200 CONSTABLES.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Applicability.** This rule applies only to constables appointed before August 1, 1985.

REPEALER. Minnesota Rules, part 6700.1200 is repealed August 1, 1987.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. **Scope and purpose.** In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to

part-time peace officers appointed on or after August 1, 1985.

Subp. 2. **Minimum selection and training standards.** An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

? conflict with subp. 3, which requires "clear" to maintain documentation

A. The applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. The applicant for a part-time peace officer license shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This

application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

? conflict with subp. 2. re maintenance of documentation

Subp. 4. **Notification of appointment of part-time peace officer.** The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. **License application procedure.** If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of part-time peace officer license.** The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36

months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. **Inactive status of part-time peace officer license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. **Inapplicability.** This part does not apply to peace officers who are employed on a part-time basis.

6700.1201 CONSTABLES.

Subpart 1. **Applicability.** This rule shall apply only to constables appointed on or after August 1, 1985.

Subp. 2. **Minimum selection and training standards.** An applicant for a constable license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, sections 367.41 and 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

conflict? with subp 3

A. The applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of constable duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of constable duties.

D. The applicant shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the constable licensing examination. An applicant is eligible to take the constable licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

? ? conflict with sub. 2

Subp. 4. **Notification of appointment of constable.** The chief law enforcement officer shall notify the board in writing

before the first day of employment of an individual who has been appointed to the position of constable. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. **License application procedure.** If the appointee is not already a licensed constable, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of constable license.** The executive director shall issue a constable license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain

the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. **Inapplicability.** This part does not apply to peace officers who are appointed to a constable position.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 17 1985
Secretary of State

LEGALITY

APPROVED AS TO FORM AND ~~EXECUTION~~

7/12 19 85

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 17 1985

Joan Anderson Growe
Secretary of State

10:10 A.M.

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption
of Rules Governing Part-Time Peace Officers
and Constables Selection, Training and
Testing Requirements

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 May 27, 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 May 24, 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 Part-Time Peace Officers and Constables Selection, Training and Testing Requirements are adopted this 27th day of June, 1985, pursuant to authority vested in the Board by Minnesota Statutes Laws of Minnesota 1985, Chapter 13, Minn. Stat. 626.843, Subd. 1(g), 626.843, Subd. 1(k), 626.843, Subd. 3(d), and 626.845, Subd. 1(i).

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 Part-Time Peace Officers and Constables Selection, Training, and Testing Requirements

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED this 24th day of May, 1985, that a Notice of Intent to Adopt Rules Without a 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 D. Erskine, do hereby certify that I am a member and 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 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 part-time peace officers and constables selection, training, and testing requirements, 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 9th day of May, 1985.

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

Attest by one other Board member

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 Part-Time Peace Officers and Constables Selection, Training, and Testing Requirements

AFFIDAVIT OF MAILING

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

That on the 24th day of May, 1985, 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 board.

Marge Braun
Marge Braun

Subscribed and sworn to before me
this 24 day of May, 1985.

William R. Carter III
Notary Public

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

Board of Peace Officer Standards and Training

Proposed Rules Governing Part-time Peace Officers and Constables Selection, Training and Testing Requirements

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. 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 the 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 rules(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.

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 Laws of Minnesota 1985, Chapter 13, in Minn. Stat. 626.843, Subd. 1(g), 626.843, Subd. 1(k), 626.843, Subd. 3(d), and 626.845, Subd. 1(i). 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 busines 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

Rules as Proposed

6700.1100 LICENSING OF PART-TIME PEACE OFFICERS.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Applicability.** This rule applies only to part-time peace officers appointed before August 1, 1985.

Subp. 12. **Inapplicability.** This part does not apply to peace officers who are employed on a part-time basis.

REPEALER. Minnesota Rules, part 6700.1100 is repealed August 1, 1987.

6700.1200 CONSTABLES.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Applicability.** This rule applies only to constables appointed before August 1, 1985.

REPEALER. Minnesota Rules, part 6700.1200 is repealed August 1, 1987.

Rules as Proposed (all new material)

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. **Scope and purpose.** In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to part-time peace officers appointed on or after August 1, 1985.

Subp. 2. **Minimum selection and training standards.** An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. The applicant for a part-time peace officer license shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 3. Documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. Notification of appointment of part-time peace officer. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. License application procedure. If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. Issuance of part-time peace officer license. The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 7. Inactive status of part-time peace officer license. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

6700.1201 CONSTABLES.

Subpart 1. Applicability. This rule shall apply only to constables appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a constable license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, sections 367.41 and 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted 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

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Minnesota. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of constable duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of constable duties.

D. The applicant shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the constable licensing examination. An applicant is eligible to take the constable licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. **Notification of appointment of constable.** The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of constable. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective

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date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. **License application procedure.** If the appointee is not already a licensed constable, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of constable license.** The executive director shall issue a constable license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within one year of the date when the individual's

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OFFICE BY:

license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. **Inapplicability.** This part does not apply to peace officers who are appointed to a constable position.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD764

Agency: Board of Peace Officers Standards and Training

Division:

Agency Contact: Dan Glass

Minnesota Rules: Parts 6700.1100; 6700.1101; 6700.1200; and 6700.1201

Title: Proposed Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953

Date: April 16, 1985

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
Part-Time Peace Officers and Constables
Selection, Training and Testing Requirements

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 24th day of May, 1985.

William R. Carter, III

These were sent on May 24, 1985

rules mailing list

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
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Ken Nissen, Chief
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John Scherer, Chief
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Law Enforcement Center
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333 State Office Building
St. Paul, MN 55155

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

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Browerville Police Department
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Browerville, MN 56438

Craig Kinney, Chief
South St. Paul Police Department
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Hennepin County Sheriff's Office
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St. Paul, MN 55155

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Bloomington, MN 55431

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Osakis Police Department
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Dennis Brekke, Sheriff
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Glenwood, MN 56334

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Law Enforcement Labor Services
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Warroad Police Department
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8900 Portland Avenue South
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Clarence Ayers, President
MN Chiefs of Police Assn.
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MAY 2 1985
POST

STATE REGISTER

STATE OF MINNESOTA



VOLUME 9, NUMBER 48

May 27, 1985

Pages 2559-2606

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		
49	Monday May 20	Friday May 24	Monday June 3
50	Friday May 24	Monday June 3	Monday June 10
51	Monday June 3	Monday June 10	Monday June 17
52	Monday June 10	Monday June 17	Monday June 24

*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

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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.

Subp. 3. Appealable actions. The applicant or recipient may appeal if:

A. the local agency fails to act upon the application within the time limits prescribed in parts 9550.0050 and 9550.0070;

B. the local agency reduces the quantity of social services from that agreed on in the individual service plan;

C. the local agency denies a request for a specific social service that is part of the approved community social services plan;

D. the local agency suspends or terminates social services; or

E. the applicant or recipient fails to agree with the individual service plan developed between the applicant or recipient and the local agency.

Subp. 4. **Submittal of appeals.** All appeals must be submitted in writing within 30 days after receiving written notice of the appealable action, or within 90 days of such written notice if a justified reason for delay can be shown.

Subp. 5. Notice in suspected fraud cases. If the local agency obtains information indicating that social services should be discontinued, reduced, or terminated because of suspected fraud of the recipient, and, where possible, evidence of fraud has been verified through collateral sources, then notice of agency action is timely if it is mailed at least five calendar days before the action becomes effective.

REPEALER. Minnesota Rules, parts 9550.0100, 9550.0200, 9550.0300, 9550.0400, 9550.0500, 9550.0600, 9550.0700, 9550.0800, 9550.0900, 9550.1000, 9550.1100, 9550.1200, 9550.1300, 9550.1400, 9550.1500, 9550.1600, 9550.1700, 9550.1800, 9550.1900, 9550.2000, 9550.2100, 9550.2200, 9550.2300, 9550.2400, 9550.2500, 9550.2600, 9550.2700, 9550.2800, and 9550.2900 are repealed.

Board of Peace Officers Standards and Training

Proposed Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements

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. 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 the 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.

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 Laws of Minnesota 1985, Chapter 13, in Minn. Stat. 626.843, Subd. 1(g), 626.843, Subd. 1(k), 626.843, Subd. 3(d), and 626.845, Subd. 1(i). 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

denial. The local agency shall also notify the applicant in writing within 15 calendar days after denying eligibility. The notice shall contain the following information:

A. the reason for denial;

B. an explanation of the applicant's right to appeal the decision to the department; and

C. a description of the appeal procedure.

Subp. 9. Approval of application. If the application is approved, the local agency shall provide the social services within 15 calendar days after the applicant has been notified of his or her eligibility or at an appropriate later date which has been mutually agreed upon by the local agency and the applicant.

9550.0080 INFORMATION ABOUT CLIENTS.

Subpart 1. Client data. All data collected, stored, used, and disseminated about an applicant or client by the local agency shall be governed by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

Subp. 2. Contracts and grants. When a contract or grant administered by the local agency requires that data on applicants or clients be made available to the contracting parties, access to that data shall be governed by Minnesota Statutes, chapter 13, except that access to medical data shall also be subject to provisions of Minnesota Statutes, section 144.335.

9550.0090 INDIVIDUAL SERVICE PLAN.

Subpart 1. Agreement upon plan. The local agency and the recipient or recipient's representative shall agree upon a plan for the provision of community social services.

Subp. 2. Requirements. The individual service plan must:

A. be developed with the recipient of the service or the recipient's representative;

B. identify the need for service; reasons for local agency involvement; the specific services to be provided; the amount, frequency, and duration of service; the service provider; and the goals and objectives to be achieved;

C. specify the purpose of contacts between the social worker and the client and the frequency of the contacts;

D. state the anticipated time necessary to accomplish the identified goals and objectives; and

E. specify agreed upon times to review the plan, to address the client's progress toward achieving goals and objectives, and to revise the plan as necessary. The plan must be reviewed at least annually. The review and assessment requirements of this part do not negate the requirements of other laws or department rules.

9550.0091 CLIENT'S RIGHT TO ACCEPT OR REJECT SERVICES.

An applicant or client may accept or reject a local agency assessment of a need for community social services or an offer of community social services. A refusal to accept community social services shall not affect payment of grants under public assistance grants maintenance programs except in the Work Incentive Program.

When a mandatory social service is rejected by a client the local agency shall give a clear explanation of the possible consequences of that choice to the applicant or client, or his or her caretaker or guardian. Local agencies are required to offer and provide protective services under Minnesota Statutes, sections 626.556 and 626.557. When an individual who needs protective services or a person acting on the individual's behalf rejects those services, the local agency shall follow the procedures established under parts 9555.7600 and 9560.0280.

9550.0092 RIGHT TO A FAIR HEARING.

Subpart 1. Right to a fair hearing. An applicant for or recipient of community social services has the right to a fair hearing under Minnesota Statutes, section 256E.045.

Subp. 2. Notice of adverse action. The local agency shall notify the recipient of community social services ten calendar days before taking any action which may adversely affect the recipient. The notice must be in writing and must inform the recipient of the right to appeal the action, the right to be represented by an attorney or other interested party at the hearing, and the conditions under which community social services may be continued. The notice must also cite the specific rule or approved community social services plan amendment upon which the reduction or termination of services is based.

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.

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

Rules as Proposed

6700.1100 LICENSING OF PART-TIME PEACE OFFICERS.

Subpart 1. to 10. [Unchanged.]

Subp. 11. Applicability. This rule applies only to part-time peace officers appointed before August 1, 1985.

Subp. 12. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

REPEALER. Minnesota Rules, part 6700.1100 is repealed August 1, 1987.

6700.1200 CONSTABLES.

Subpart 1. to 9. [Unchanged.]

Subp. 10. Applicability. This rule applies only to constables appointed before August 1, 1985.

REPEALER. Minnesota Rules, part 6700.1200 is repealed August 1, 1987.

Rules as Proposed (all new material)

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. Scope and purpose. In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to part-time peace officers appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

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 applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. The applicant for a part-time peace officer license shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. Documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. Notification of appointment of part-time peace officer. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. License application procedure. If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. Issuance of part-time peace officer license. The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. Inactive status of part-time peace officer license. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

6700.1201 CONSTABLES.

Subpart 1. Applicability. This rule shall apply only to constables appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a constable license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, sections 367.41 and 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of constable duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of constable duties.

D. The applicant shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the constable licensing examination. An applicant is eligible to take the constable licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. Documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. Notification of appointment of constable. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of constable. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. License application procedure. If the appointee is not already a licensed constable, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. Issuance of constable license. The executive director shall issue a constable license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. Inactive status of constable license. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are appointed to a constable position.

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.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *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 strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after 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 emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce

Adopted Rules Governing Self-Insurance Plan Administrators

The rules proposed and published at *State Register*, Volume 8, Number 52, pages 2765-2769, June 25, 1984 (8 S.R. 2765) and Volume 9, Number 9, pages 410-411, August 27, 1984 (9 S.R. 410) are adopted with the following modifications:

Rules as Adopted

2767.0100 DEFINITIONS.

Subpart 1. Scope. The following definitions apply to parts 2767.0100 to 2767.0950 unless the context clearly indicates a different meaning.

Subp. 2. Administrator or self-insurance plan administrator. "Administrator" or "self-insurance plan administrator" means vendors of risk management services and entities administering self-insurance plans as defined in Minnesota Statutes, section 60A.23, subdivision 8, clause (2), that provide coverage to residents of and risks located in Minnesota.

Subp. 3. Affiliated company. "Affiliated company" means any company that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the applicant company.

Subp. 4. ~~Certified audit or certified financial statement~~ Key employees. ~~"Certified audit" or "certified financial statement" means an audit or financial statement concerning which an independent certified public accountant or licensed public accountant expresses his or her professional opinion as to whether the accompanying statements present fairly the financial position of the administrator in conformity with generally accepted accounting principles and generally accepted auditing standards consistently applied~~ "Key employees" means those persons who, notwithstanding their titles, are of substantial importance to the operation of the self-insurance plan administrator. Persons who have substantial discretionary, supervisory, or decision making authority which has a significant impact on the operation of the self-insurance plan administration are key employees. Officers and managers are presumptively included within this definition.

Subp. 5. Financial statements. "Financial statements" means an income statement and a balance sheet prepared in conformity with generally accepted accounting principles.

Subp. 6. Area or areas of risk management. "Area" or "areas of risk management" means the following lines of insurance: life; accident and health; workers' compensation; other liability; and property or casualty.

Subp. 7. Services or risk management services. "Services" or "risk management services" includes accounting and record retention, actuarial in conjunction with other services, claims administration, general administration, insurance, legal, loss control and safety, rehabilitation, risk management and analysis, and other services related to the establishment and maintenance of a program of self-insurance.

2767.0200 PURPOSE AND SCOPE.

Parts 2767.0100 to 2767.0950 are designed to assure that self-insurance plan administrators are capable of providing risk management services, financially solvent, and able to process claims in a prompt and equitable manner; and to allow the commissioner to authorize qualified entities to engage in the business in a manner which is fair, equitable, and consistent with all applicable Minnesota statutes.

2767.0300 AUTHORITY.

Parts 2767.0100 to 2767.0950 are adopted under the authority of Minnesota Statutes, section 60A.23, subdivision 8, clause (5).

2767.0400 REQUIREMENTS FOR LICENSING.

Subpart 1. Application procedure. Any person or entity desiring to be licensed as a self-insurance plan administrator pursuant to Minnesota Statutes, section 60A.23, subdivision 8, shall apply to the commissioner in writing and on forms available from the

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption
of Rules Governing Part-Time Peace Officers
and Constables Selection, Training and
Testing Requirements

FINDINGS OF FACT
AND CONCLUSIONS

Notice of the Board's intent to adopt the above-entitled rules without a public hearng was published in the State Register on May 27, 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 or 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

6700.1100 LICENSING OF PART-TIME PEACE OFFICERS.

Subpart 1. to 10. [Unchanged.]

Subp. 11. Applicability. This rule applies only to part-time peace officers appointed before August 1, 1985.

Subp. 12. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

REPEALER. Minnesota Rules, part 6700.1100 is repealed August 1, 1987.

6700.1200 CONSTABLES.

Subpart 1. to 9. [Unchanged.]

Subp. 10. Applicability. This rule applies only to constables appointed before August 1, 1985.

REPEALER. Minnesota Rules, part 6700.1200 is repealed August 1, 1987.

Rules as Proposed (all new material)

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. Scope and purpose. In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to part-time peace officers appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in

APPROVED BY THE REVISOR OF STATUTES OFFICE BY: LSJ

Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. The applicant for a part-time peace officer license shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. **Notification of appointment of part-time peace officer.** The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. **License application procedure.** If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of part-time peace officer license.** The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 7. Inactive status of part-time peace officer license. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

6700.1201 CONSTABLES.

Subpart 1. Applicability. This rule shall apply only to constables appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a constable license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, sections 367.41 and 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted 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

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Minnesota. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of constable duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of constable duties.

D. The applicant shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the constable licensing examination. An applicant is eligible to take the constable licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. **Notification of appointment of constable.** The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of constable. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. **License application procedure.** If the appointee is not already a licensed constable, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of constable license.** The executive director shall issue a constable license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within one year of the date when the individual's

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license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are appointed to a constable position.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

Agency: Board of Peace Officers Standards and Training

RD764

Division:

Agency Contact: Dan Glass

Minnesota Rules: Parts 6700.1100; 6700.1101; 6700.1200; and 6700.1201

Title: Proposed Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: April 16, 1985

Exhibit B

Board of Peace Officers Standards and Training

Adopted Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements

Rules as Adopted

6700.1100 LICENSING OF PART-TIME PEACE OFFICERS.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Applicability.** This rule applies only to part-time peace officers appointed before August 1, 1985.

Subp. 12. **Inapplicability.** This part does not apply to peace officers who are employed on a part-time basis.

REPEALER. Minnesota Rules, part 6700.1100 is repealed August 1, 1987.

6700.1200 CONSTABLES.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Applicability.** This rule applies only to constables appointed before August 1, 1985.

REPEALER. Minnesota Rules, part 6700.1200 is repealed August 1, 1987.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. **Scope and purpose.** In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to

part-time peace officers appointed on or after August 1, 1985.

Subp. 2. **Minimum selection and training standards.** An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. The applicant for a part-time peace officer license shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This

application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. **Notification of appointment of part-time peace officer.** The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. **License application procedure.** If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of part-time peace officer license.** The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36

months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. **Inactive status of part-time peace officer license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. **Inapplicability.** This part does not apply to peace officers who are employed on a part-time basis.

6700.1201 CONSTABLES.

Subpart 1. **Applicability.** This rule shall apply only to constables appointed on or after August 1, 1985.

Subp. 2. **Minimum selection and training standards.** An applicant for a constable license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, sections 367.41 and 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted 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. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of constable duties.

C. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of constable duties.

D. The applicant shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the constable licensing examination. An applicant is eligible to take the constable licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. **Notification of appointment of constable.** The chief law enforcement officer shall notify the board in writing

before the first day of employment of an individual who has been appointed to the position of constable. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. **License application procedure.** If the appointee is not already a licensed constable, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of constable license.** The executive director shall issue a constable license to an individual who has met the requirements stated in subpart 2, 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 part 6700.1000, subpart 1. The appropriate licensing fee is $7.50 if the license is valid for at least 30 months but less than 36 months; $5 if the license is valid for at least 18 months but less than 30 months; and $2.50 if the license 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.

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain

the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. **Inapplicability.** This part does not apply to peace officers who are appointed to a constable position.

Exhibit C

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

STATEMENT OF NEED AND REASONABLENESS

Minnesota Rule, part 6700.1100

Introduction

Laws of Minnesota 1985, Chapter 13 changes the manner in which part-time peace officers and constables will be licensed after August 1, 1985. The following rule amendments and additions are necessary to bring Minnesota Rules, part 6700.1100 and 6700.1200 into accordance with this new amendment.

The statutory change will require that individuals who are about to be appointed to a part-time peace officer or constable position already have completed all selection, training and testing requirements. Minn. Stat. 626.8463 had, until this amendment was passed, allowed these part-time peace officers and constables a certain time limit to complete these requirements, during which time they were licensed by a provisional licensing system as provided under current board rules. The new legislation eliminates the need for a provisional license for those part-time peace officers and constables appointed after August 1, 1985. The selection, training and testing requirements themselves were not changed by the legislative amendment mentioned above.

Since the new legislation does not take effect until August 1, 1985, and since those officers appointed before that date have up to two years in which to complete their provisional licensing requirements under the current rules, it was necessary to create a new rule for both part-time peace officers and constables, 6700.1101 and 6700.1201, to cover those officers appointed on or after August 1, 1985, while allowing the current rules, 6700.1100 and 6700.1200, to continue operating as they have until now (with only such editorial changes as are necessary to indicate to whom these rules shall continue to apply) until August 1, 1987, at which time they shall cease to function and be repealed, since the mechanics of these rules, current and to be adopted, will, at that time, have eliminated forever the entire pool of provisional licensees over whom the rules now have authority.

Minnesota Rules, part 6700.1100, subp. 11 and 12. The reason for these amendments was discussed in the last paragraph of the introduction.

Minnesota Rules, part 6700.1200, subp. 10. The reason for this amendment was discussed in the last paragraph to the introduction.

Minnesota Rules, part 6700.1101, subp. 1. Scope and purpose. This repeats the wording of 6700.1100, subp. 1, the only addition being the final sentence, which necessarily shows the applicability of the entire rule.

Subp. 2. Minimum selection and training standards. This subpart contains the identical selection, training and testing requirements that are contained in Minn. Stat. 626.8463. It is necessary to state that these requirements shall be completed before a part-time peace officer or constable is appointed to bring these rules into accordance with the amendment to that statute after August 1, 1985, as discussed in the introduction.

Sections A-D are unchanged from the previous wording of these rules, except that all mention of time limits for completing these requirements have been removed, for reasons stated in the introduction.

Section E. The part-time peace officer licensing examination must be taken before the individual is appointed for the same reasons the requirements stated in Sections A-D must be completed by the time of appointment. It is necessary to allow applicants to take the examination only upon completion of steps A-D for the following reason. The board has long held the belief that each agency is responsible for assessing the extent and nature of the training needs of its part-time peace officers (see the scope note at the beginning of this rule).

It is necessary and reasonable to require that all selection and training requirements be met before the applicant is allowed to take the examination.

It has been the board's practice under the system of provisional license established in 6700.1000 to withhold acess to taking the examination until these requirements have been completed. The selection and training requirements have served as a natural screening device to eliminate unsuitable candidates to part-time law enforcement positions in the state. The board's internally compiled statistics show that a significantly greater number of individuals began the provisional licensing requirements than actually became licensed, thus we can assume that at least some of these could not meet the selection standards or failed to obtain the prescribed training. There is no reason to administer the examination to individuals who either have not yet met the training requirements or who cannot meet the required selection standards. It is both prudent (for test security) and economical to withhold access to this examination from those who have not yet shown themselves to be qualified to be licensed part-time peace officers.

It is necessary and reasonable to put a limit on the time an individual has to become licensed as a part-time peace officer after taking the examination. Frequent and regular changes in the state criminal and traffic codes make the knowledge gained in one year obsolete the next if continued training is not provided. A one-year time limit is necessary to ensure both the individual and the hiring agency that the license-applicant's knowledge is reasonably current.

In practice, it would seem that few would actually exceed this deadline, since to bring an applicant to the stage of eligibility to take the exam will require the expenditure of a not unconsiderable amount of time and efort by an agency. To not hire the individual at this point after having gotten him or her through all the various requirements, would appear to be an unlikely occurrence. The rule is basically a safeguard to ensure a reasonable level of current law enforcement informaton in licensing applicants.

Subp. 3. Documentation. This rule is identical to subp. 6 of 6700.1000.

Subp. 4. Notification of appointment of part-time peace officer. This rule is identical to subp. 7 of 6700.1000.

Subp. 5 and 6. License application procedure and issuance of part-time peace officer license. The procedure for application for and issuance of the part-time peace officer license are in all essentials the same as those for other board licenses (see 6700.0800).

Subp. 7. Inactive status of part-time peace officer license. This subpart is identical in all essentials to Minnesota Rules, part 6700.1100, subp. 10.

Subp. 8. Inapplicability. This subject is identical to Minnesota Rules, part 6700.1100, subp. 11.

Minnesota Rules, part 6700.1201 Constables. As the amendment to Minn. Stat. 626.8463 affects constables in the same manner as part-time peace officers, and as the selection, training and examination requirements are the same for constables as they are for part-time peace officers, the replacement of Minnesota Rules, part 6700.1200 by this rule, closely parallels the replacement of Minnesota Rules, part 6700.1100 by 6700.1201 discussed in the preceding section.

It should be remembered that while the actual selection standards and training requirements for constables are the same as those for part-time peace officers; the licensing track for each is independent of the other and the examinations themselves are distinct; hence the need for a separate set of rules for constables.

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 27th day of June, 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 relatng to Part-Time Peace Officers and Constables Selection, Training and Testing Requirements and they are hereby approved and adopted, pursuant to Laws of Minnesota 1985, Chapter 13, Minn. Stat. 626.843, Subd. 1(g), 626.843, Subd. 1(k), 626.843, Subd. 3(d), and 626.845, Subd. 1(i), 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 27th day of June, 1985.

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

Thomas H. Brownell
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.

June 28, 1985
Date

Richard Hodsdon
Richard D. Hodsdon
Special Assistant Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT POST Board

Office Memorandum

TO: File

DATE: 6/28/85

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: 6/27/85

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 POST Board

Office Memorandum

TO: Rulemaking File

DATE: 6/27/85

FROM: William R. Carter, III
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: Rulemaking File

DATE: 6/27/85

FROM: William R. Carter, III
Standards Coordinator

PHONE:

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

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

WRC:mb