

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

~~Rule~~

RULE REVIEW CHECKLIST

05-0009-0710

DATE RULE RECEIVED 9-27
DATE FOR REVIEW 10-7
DATE DUE 10-11

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

Approved 10-7-85 mjc Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____ Revisor approved 9/30/85
disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed

? Order Adopting 8.5.85 Date combined w/ FF ~ contains conflicting dates

____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
7.22.85 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 combined w/ Order Adopting

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

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

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: PAUL J. TSCHIDA, Commissioner
Public Safety Department

DATE: 10-10-85

ATTN: JERRY ANDERSON
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings

The above-referenced rule has been approved as to its legality by the Attorney General on October 7, 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.

MJC:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: JUDITH WEHRWEIN
204 Administration Building

DATE: 9-26-85

FROM: JERRY ANDERSON
Special Assistant Attorney General

PHONE: 6-3257

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Rules

Enclosed for review by the Attorney General are the above-referenced rules adopted by the Commissioner of Public Safety. After approval, please return the rules to Nancy Kelly, Administrative Assistant, 211 Transportation Building.

JA:pi
Enc.

AG copy

Department of Public Safety

Administration Division

Adopted Rule Relating to School Safety Patrol Members

Rule as Adopted

7415.0500 POSITION AND PROCEDURE AT STREET INTERSECTION OR CROSSING.

A school patrol member must comply with the following procedures at street intersections and crossings:

A. to C. [Unchanged.]

D. When the lanes of the roadway are clear of traffic the patrol member shall extend the flag into the traffic lane at an angle of approximately 45 degrees upward. This will be the signal for all the children to start crossing the street. Holding the flag at a 45-degree angle will place it above the heads of the children. With two patrol members at one intersection, each member shall make a quarter turn in the direction of the oncoming traffic and remain as close as practicable to the curb or shoulder.

E. [Unchanged.]

F. After the children have completed crossing the street, the patrol member shall return to the original position on the shoulder or curb.

G. [Unchanged.]

H. There shall be one or more patrol members at each crossing. When two are used, one patrol member shall operate as the sender on the side from which the children gather, and the other shall take a similar position on the opposite side of the roadway and operate as the receiver.

I. At least two patrol members shall be used at a particular crossing when, in the opinion of local law enforcement officials, traffic or other conditions are such that more than one patrol member is needed for the safety of the school children.

J. Patrol members shall continually watch oncoming

traffic while children are crossing the roadway and be constantly alert for danger. They shall stand between the children and approaching traffic and remain as close as practicable to the curb or shoulder.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 9 1985
Joan Anderson Growe
Secretary of State
2:30 PM

APPROVED AS TO FORM AND LEGALITY
October 7 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Rule as Proposed

7415.0500 POSITION AND PROCEDURE AT STREET INTERSECTION OR CROSSING.

A school patrol member must comply with the following procedures at street intersections and crossings:

A. to C. [Unchanged.]

D. When the lanes of the roadway are clear of traffic the patrol member shall extend the flag into the traffic lane at an angle of approximately 45 degrees upward. This will be the signal for all the children to start crossing the street. Holding the flag at a 45-degree angle will place it above the heads of the children. With two patrol members at one intersection, each member shall make a quarter turn in the direction of the oncoming traffic ~~with at least one foot remaining on~~ and remain as close as practicable to the curb or shoulder.

E. [Unchanged.]

F. ~~If the patrol member's view of traffic is obstructed by parked vehicles, the patrol member may step into the street a sufficient distance to obtain a clear view, but not into the street beyond the parked vehicles.~~ After the children have completed crossing the street, the patrol member shall return to the original position on the shoulder or curb.

G. [Unchanged.]

H. There shall be ~~at least two~~ one or more patrol members at each crossing. When two are used, one patrol member shall operate as the sender on the side from which the children gather, and the other shall take a similar position on the opposite side of the roadway and operate as the receiver.

I. At least two patrol members shall be used at a particular crossing when, in the opinion of local law enforcement officials, traffic or other conditions are such that more than one patrol member is needed for the safety of the school children.

J. Patrol members shall continually watch oncoming traffic while children are crossing the roadway and be

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

constantly alert for danger. They shall stand between the children and approaching traffic ~~with-at-least-one-foot remaining-on~~ and remain as close as practicable to the curb or shoulder.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD753

Agency: Department of Public Safety

Division: Administration Division

Agency Contact: Diane Dybevik
Assistant to the Commissioner

Minnesota Rules: Part 7415.0500

Title: Proposed Rule Relating to School Safety Patrol Members

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: March 18, 1985

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings.

FINDINGS OF FACT AND CONCLUSIONS AND ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on July 22, 1985, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 14.14 subdivision 1, on July 19, 1985. All interested and affected persons were afforded an opportunity to submit comments for 30 days after the Notice. No requests or public comments for a hearing were received within the 30-day comment period. The need for and the reasonableness of the proposed rules are adequately and fully set forth in the Statement of Need and Reasonableness which is incorporated herein. The rules as originally proposed are adopted without any changes.

No one requested notice of submission to the Attorney General.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rules, Part 7415.0500, are adopted this 5th day of August, 1985, pursuant to authority vested in me by Minnesota Statutes section 299A.01, subd. 6 and Minn. Stat. section 126.15, Subd. 4.

STATE OF MINNESOTA

9/13/85
DATED

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0016

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed
Adoption of Rules of the State
Department of Public Safety
Governing School Safety Patrols
Procedures at Street Crossings.

ORDER FOR NOTICE OF
INTENT TO ADOPT RULES
WITHOUT PUBLIC HEARING

IT IS ORDERED this 1st day of July, 1985, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0006

Department of Public Safety
State Patrol Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and 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 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, the department 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 and include the name of the rulemaking:

Harlan Olson
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minnesota Statute section 126.15, subd. 4. 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 free from the Department of Public Safety upon request to the above address.

The department has considered the requirements of Minn. Stat. Section 14.115 and has determined that the proposed rules do not directly affect small businesses.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments

received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to 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 to the above address.

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

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

STATE OF MINNESOTA

July 22, 1985
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0008

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

Cheryl Gebhardt, being first duly sworn, deposes and says:

That on the 19th day of July, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department.

Cheryl Gebhardt

Subscribed and sworn to before me

this 19th day of July.

1985

Dorothy F. Gerlach

DOROTHY F. GERLACH
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires Feb. 4, 1987

ACDKHF0011

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. Section 14.14 subdivision 1, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 A.M., this 19th day of July, 1985.

Nancy Kelly

ACDKHF0010

C. the dispute over the decision is not resolved informally between the commissioner and the appealing party within 30 days of filing the written notice of intent to appeal under subpart 2, item A.

Subp. 2. Filing of appeals. To be effective, an appeal must meet the following criteria:

A. The provider, provider group, or county welfare or human services board must notify the commissioner in writing of its intent to appeal within 30 days of receiving the total payment rate determination or decision which is being appealed. A written appeal must be filed with the commissioner within 60 days after receiving the total payment rate determination or decision which is being appealed.

B. The appeal must specify:

(1) each disputed item and the reason for the dispute;

(2) the computation and the amount that the provider believes to be correct;

(3) an estimate of the dollar amount involved in each disputed item;

(4) the authority in statute or rule upon which the provider is relying in each disputed item; and

(5) the name and address of the person or firm with whom contacts may be made regarding the appeal.

Subp. 3. Resolution of appeal. The appeal shall be heard under the contested case provisions in Minnesota Statutes, sections 14.57 to 14.62 and parts 1400.5100 to 1400.8300. Upon agreement of both parties, the dispute may be resolved informally through any informal dispute resolution method such as settlement, mediation, or modified appeal procedures established by agreement between the commissioner and the chief hearing examiner.

Subp. 4. Payment rate during appeal period. Notwithstanding any appeal filed under parts 9553.0010 to 9553.0080, the total payment rate established by the commissioner shall be the total payment rate paid to the provider while the appeal is pending.

Subp. 5. Payments after resolution of appeal. Upon resolution of the appeal any overpayments or underpayments shall be paid under part 9553.0041, subpart 13.

Subp. 6. Appeal expenses. Expenses incurred in the appeal or for individual items under appeal will be reimbursed to the provider to the extent that:

A. the appeal or the individual item was resolved on behalf of the provider; and

B. this amount is not in excess of limits determined under parts 9553.0010 to 9553.0080.

Department of Public Safety Administration Division

Proposed Rule Relating to School Safety Patrol Members

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and 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 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

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.

event a public hearing is required, the department 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 and include the name of the rulemaking:

Harlan Olson
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minnesota Statute section 126.15, subd. 4. 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 free from the Department of Public Safety upon request to the above address.

The department has considered the requirements of Minn. Stat. Section 14.115 and has determined that the proposed rules do not directly affect small businesses.

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

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

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Paul J. Tschida
Commissioner of Public Safety

Rule as Proposed

7415.0500 POSITION AND PROCEDURE AT STREET INTERSECTION OR CROSSING.

A school patrol member must comply with the following procedures at street intersections and crossings:

A. to C. [Unchanged.]

D. When the lanes of the roadway are clear of traffic the patrol member shall extend the flag into the traffic lane at an angle of approximately 45 degrees upward. This will be the signal for all the children to start crossing the street. Holding the flag at a 45-degree angle will place it above the heads of the children. With two patrol members at one intersection, each member shall make a quarter turn in the direction of the oncoming traffic ~~with at least one foot remaining on~~ and remain as close as practicable to the curb or shoulder.

E. [Unchanged.]

F. ~~If the patrol member's view of traffic is obstructed by parked vehicles, the patrol member may step into the street a sufficient distance to obtain a clear view, but not into the street beyond the parked vehicles.~~ After the children have completed crossing the street, the patrol member shall return to the original position on the shoulder or curb.

G. [Unchanged.]

H. There shall be ~~at least two~~ one or more patrol members at each crossing. When two are used, one patrol member shall

operate as the sender on the side from which the children gather, and the other shall take a similar position on the opposite side of the roadway and operate as the receiver.

I. At least two patrol members shall be used at a particular crossing when, in the opinion of local law enforcement officials, traffic or other conditions are such that more than one patrol member is needed for the safety of the school children.

J. Patrol members shall continually watch oncoming traffic while children are crossing the roadway and be constantly alert for danger. They shall stand between the children and approaching traffic ~~with at least one foot remaining on~~ and remain as close as practicable to the curb or shoulder.

Department of Revenue

Proposed Rules Relating to Liquor Excise Tax

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the Department of Revenue proposes to adopt the above-entitled rule without a public hearing. The Commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 14.21.

Persons interested in this rule shall have thirty days to submit comments in support of or in opposition to the proposed rule. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comments, and any changes proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the thirty-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statute, §§ 14.13-14.20.

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

Frank Newman, Acting Director
Alcohol, Tobacco & Special Taxes Division
Minnesota Department of Revenue
9th Floor Capitol Square Building
St. Paul, Minnesota 55101
Telephone: (612) 296-3482

Authority for the adoption of these rules is contained in Minnesota Statutes § 340.485, subds. 1 and 3; and § 340.492, subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available from Frank Newman upon request. A copy of the proposed rule is also available from Frank Newman.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Frank Newman.

The rule proposed for adoption relates to the administration of the alcoholic beverage excise tax. Notice is hereby given pursuant to M.S. 14.115, subd. 4, that this proposed rule will have an economic and administrative impact on small businesses.

The Commissioner has, in consultation with industry representatives, established a reporting system that minimizes the burden on the operators. The Statement of Need and Reasonableness further sets forth the efforts by the Commissioner to minimize the administrative burden necessarily incident to the collection of the excise tax.

July 2, 1985

Arthur C. Roemer
Commissioner of Revenue

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings.

FINDINGS OF FACT AND CONCLUSIONS AND ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on July 22, 1985, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 14.14 subdivision 1, on July 19, 1985. All interested and affected persons were afforded an opportunity to submit comments for 30 days after the Notice. No requests or public comments for a hearing were received within the 30-day comment period. The need for and the reasonableness of the proposed rules are adequately and fully set forth in the Statement of Need and Reasonableness which is incorporated herein. The rules as originally proposed are adopted without any changes.

No one requested notice of submission to the Attorney General.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rules, Part 7415.0500, are adopted this 5th day of August, 1985, pursuant to authority vested in me by Minnesota Statutes section 299A.01, subd. 6 and Minn. Stat. section 126.15, Subd. 4.

STATE OF MINNESOTA

9/13/85
DATED

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0016

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The captioned rules were last amended July 5, 1983.

The need to adopt these rules arises because of the problems for schools and school patrol in complying with the rules in their present form. The proposed changes will more adequately meet the needs of schools and school patrols to protect them from potential legal action and maintain adequate protection for school children at street crossings.

Part 7415.0500D. The rule requiring a school patrol member to keep at least one foot on the curb or shoulder is changed to require the school patrol member to "remain as close as practicable to" the curb or shoulder. It is difficult from the standpoint of perceived performance and impossible in many instances for a school patrol member to keep one foot on the curb. A natural instinct for anyone attempting to control vehicular traffic for the protection of pedestrians is to occupy a portion of the roadway. This provides the patrol member a better view of the traffic lane and gives the approaching traffic a better opportunity to see and perceive the control situation.

Part 7415.0500F. The language allowing patrol members to step into the street, but not beyond the parked vehicles is stricken. This section is no longer needed because of the change in Part 7415.0500D which allows patrol members to step out from the curb. This provision was originally included to provide an exception to the rule that patrol members keep one foot on the curb.

Part 7415.0500H. The rule requiring at least two patrol members at each crossing is changed to one or more patrol. It is not possible for all schools to always have two members at each crossing. As a result, some schools are using only one patrol person at some of the crossings. The primary concern is the legal implication the regulation could have on the school patrol member, the school administration and the school board members. It is firmly believed that at low-volume, open intersections, one patrol member can adequately and safely assist children across the street. Requiring two patrol members at such intersections would mean that many others would be left unguarded. There are not a sufficient number of patrol members at most schools to have two members at all intersections where patrols are needed. The result would be children crossing on their own thus increasing the risk of an accident and injury.

Part 7415.0500I. This section is added to provide for those intersections that are high-volume or pose a greater risk. It provides that at least two or more patrol members shall be at a particular crossing when, in the opinion of local law enforcement officials, the traffic or other conditions are such that more than one is needed for the safety of the children.

Part 7415.0500J. This change corresponds to the change in Part 7415.0500D. requiring the patrol member to remain as close as practicable to the curb.

The department has considered the requirements of Minn. Stat. 14.115 and has determined that the proposed rules do not directly affect small businesses.

PAUL J. TSCHIDA
COMMISSIONER

ACDKHF0004

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

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

Please return the approved rules directly to the agency, 211 Transportation Building.

9/20/85
DATED

Jerry Anderson
SPECIAL ASSISTANT ATTORNEY GENERAL