

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1321 Docket No. 05.0009. 0710

DATE RECEIVED 9/30
REVIEW DATE 10/1/9
DUE DATE 10/14

APPROVED 10-13-86 MJC
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 10/1
REVISOR DISAPPROVED
FILED W/SEC. STATE 10/14
RETURNED TO AGENCY 10/14

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
Jan 20, 1986 Date published in State Register
YES Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule
Revisor's Certificate

✓ Notice of Intent to Adopt Rule
299A.01 subd 6 Statutory Authority 1st Special Session Laws, 1985 Ch. 10
Yes Small business statement
Yes Expenditure of public money statement
Yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Jan 24, 1986 Date (30)/25 days before adoption

✓ Publication in State Register
June 16, 1986 Date (30)/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting
Sept 8, 1986 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
Kenneth Bayliss Name of SAAG representing agency

Notice of Submission to Attorney General

Affidavit of Mailing Notice to Attorney General

✓ Certificate of mailing
✓ Affidavit of Mailing Notice of Hearing
✓ Order for Notice of Intent

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: NANCY KELLY
Department of Public Safety

DATE: 10/13/86

ATTN: KENNETH H. BAYLISS, III
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Adopted Rules Governing Film Rental Fees

The above-referenced rule has been approved as to its legality by the Attorney General on October 13, 1986.

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/rmk
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1321

Department of Public Safety

Adopted Rules Governing Film Rental Fees

Rules as Adopted

7419.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Film library.** "Film library" means the film library staffed and funded by the Minnesota Department of Public Safety.

Subp. 3. **Films.** "Films" means 16 millimeter films, 35-millimeter slides, film strips, and video cassettes used in the instruction of traffic safety or as support material in the instruction of traffic safety.

Subp. 4. **Traffic safety instruction.** "Traffic safety instruction" means instructional or educational programs addressing driver education, pedestrian safety, motorcycle safety, bicycle safety, defensive driving, and energy conservation in vehicles or other vehicular means of transportation.

Subp. 5. **Renter.** "Renter" means a person, group, governmental agency, or other organization requesting films from the film library.

7419.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of this chapter is to establish film rental fees for films in the Minnesota Department of Public Safety film library used as instructional aids in traffic safety education.

Subp. 2. **Scope.** The scope of this chapter is intended to be consistent with Minnesota Statutes, section 299A.01, subdivision 6.

7419.0300 FILM RENTAL.

The film library may rent films for traffic safety

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

instruction to schools, civic groups, subdivisions and agencies of state government, commercial driver training schools, and individuals.

7419.0400 RENTAL FEES.

Rental fees are based on the length and age of the film. Film rates listed in this part are for color films. The fees for black and white films are 20 percent less than the fees for corresponding color films. The fees for color films are as follows:

Running Time	Film Less Than Four Years Old	Film Over Four Years Old
Less than 15 minutes	$4.00	$3.00
15 minutes but less than 30 minutes	5.00	4.00
30 minutes or more	5.50	4.50

The fee for slide shows or film strips is $3 regardless of length or age.

An annual membership is available at a fee of $750, that allows only public or nonpublic elementary and secondary schools located within a public school district, as a group, to rent the films for use by all or any of its individual public schools or nonpublic schools on a yearly basis from July 1 to June 30. The annual membership is subject to the conditions of parts 7419.0100 to 7419.0800 except for the regular fee schedule.

7419.0500 RENTAL TERMS.

Films may be rented from the film library for a period of one to five days. The renter must provide the dates when the film will be used. The film library shall mail rented films in advance of the first day of use so that the renter receives the film in time. Films returned by mail must be postmarked by the day following the date provided for the last day of use of the film. If the film requested is not available, the film library shall notify the renter and give the renter an option of renting

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a comparable film. If the comparable film is objectionable, the renter must notify the film library immediately. If no objection is received, the comparable film will be sent to the renter at the applicable fee, if any, under part 7419.0400.

7419.0600 LATE FEES.

The department shall assess late fees when a film being returned is postmarked later than the day after the date provided for the last day of use of the film. The late fee for being one to six days late is twice the initial rental fee. The late fee for being seven to 12 days late is four times the initial rental fee. The late fee will again double for each subsequent six-day period.

7419.0700 FILM RETURN POSTAGE.

Film return postage must be paid by the renter. Films should be insured when mailed back to the film library.

7419.0800 FILMS LOST OR DESTROYED.

Films lost or destroyed while in the renter's possession or while in the return mail must be replaced at the film library by the renter.

RECEIVED

SEP 15 1986

ATTORNEY GENERAL'S OFFICE
FORD BLDG, SECOND FLOOR
ST. PAUL, MN 55155

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 14 1986
Joan Anderson Growe
Secretary of State

10:45AM

APPROVED AS TO FORM AND LEGALITY
October 13 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

ing, design and construction requirements for ISTS. Interesting persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to:

Mr. Jerry Canfield
Technical Review Section—Part 7080 Rules Amendments
Division of Water Quality
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

Oral statements will be received during regular business hours over the telephone at (612) 296-7389 and in person at the above address.

All statements of information and opinions shall be accepted until Friday, February 28, 1986. Any written material received by the Minnesota Pollution Control Agency shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that these amendments are adopted.

January 9, 1986

Thomas J. Kalitowski
Executive Director
Minnesota Pollution Control Agency

Department of Public Safety Administration Division

Outside Opinion Sought Regarding Proposed Rules Establishing Film Rental Fees for Traffic Safety Films

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules establishing film rental fees for traffic safety films through the Department of Public Safety Film Library.

The promulgation of these rules is authorized by Minnesota Statutes section 299A.01, subd. 6 and 1985 Special Session I, Ch. 10, which requires the agency to establish film rental fees for traffic safety films at rates determined so as to collect $40,000 each year.

The Statement Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Nancy Kelly
Room 211, Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-8453 and in person at the above address.

All statements of information and comment shall be accepted until February 26, 1986. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

Paul J. Tschida
Commissioner of Public Safety

Department of Public Safety

Administration Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the State Department of Public Safety Establishing Film Rental Fees For Traffic Safety Films.

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules establishing film rental fees for traffic safety films through the Department of Public Safety Film Library.

The promulgation of these rules is authorized by Minnesota Statutes section 299A.01, subd. 6 and 1985 Special Session I, Ch. 10, which requires the agency to establish film rental fees for traffic safety films at rates determined so as to collect $40,000 each year.

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PAUL J. TSCHIDA

COMMISSIONER OF PUBLIC SAFETY

Department of Public Safety

Proposed Rules Governing Film Rental Fees

Rules as Proposed (all new material)

7419.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Film library.** "Film library" means the film library staffed and funded by the Minnesota Department of Public Safety.

Subp. 3. **Films.** "Films" means 16 millimeter films and video cassettes used in the instruction of traffic safety or as support material in the instruction of traffic safety.

Subp. 4. **Traffic safety instruction.** "Traffic safety instruction" means instructional or educational programs addressing driver education, pedestrian safety, motorcycle safety, bicycle safety, defensive driving, and energy conservation in vehicles or other vehicular means of transportation.

Subp. 5. **Renter.** "Renter" means a person, group, governmental agency, or other organization requesting films from the film library.

7419.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of this chapter is to establish film rental fees for films in the Minnesota Department of Public Safety film library used as instructional aids in traffic safety education.

Subp. 2. **Scope.** The scope of this chapter is intended to be consistent with Minnesota Statutes, section 299A.01, subdivision 6.

7419.0300 FILM RENTAL.

The film library may rent films for traffic safety instruction to schools, civic groups, subdivisions and agencies

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

of state government, commercial driver training schools, and individuals.

7419.0400 RENTAL FEES.

Rental fees are based on the length and age of the film. Film rates listed in this part are for color films. The fees for black and white films are 20 percent less than the fees for corresponding color films. The fees for color films are as follows:

Running Time	Film Less Than Four Years Old	Film Over Four Years Old
Less than 15 minutes	$4.00	$3.00
15 minutes but less than 30 minutes	5.00	4.00
30 minutes or more	5.50	4.50

An annual membership is available at a fee of $750, that allows only public or nonpublic elementary and secondary schools located within a public school district, as a group, to rent the films for use by all or any of its individual public schools or nonpublic schools on a yearly basis from July 1 to June 30. The annual membership is subject to the conditions of parts 7419.0100 to 7419.0800 except for the regular fee schedule.

7419.0500 RENTAL TERMS.

Films may be rented from the film library for a period of one to five days. The renter must provide the dates when the film will be used. The film library shall mail rented films in advance of the first day of use so that the renter receives the film in time. Films returned by mail must be postmarked by the day following the date provided for the last day of use of the film. If the film requested is not available, the film library shall notify the renter and give the renter an option of renting a comparable film. If the comparable film is objectionable, the renter must notify the film library immediately. If no objection is received, the comparable film will be sent to the

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renter at the applicable fee, if any, under part 7419.0400.

7419.0600 LATE FEES.

The department shall assess late fees when a film being returned is postmarked later than the day after the date provided for the last day of use of the film. The late fee for being one to six days late is twice the initial rental fee. The late fee for being seven to 12 days late is four times the initial rental fee. The late fee will again double for each subsequent six-day period.

7419.0700 FILM RETURN POSTAGE.

Film return postage must be paid by the renter. Films should be insured when mailed back to the film library.

7419.0800 FILMS LOST OR DESTROYED.

Films lost or destroyed while in the renter's possession or while in the return mail must be replaced at the film library by the renter.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD833

Agency: Department of Public Safety

Division:

Agency Contact: Nancy Kelly
Administrative Assistant

Minnesota Rules: Parts 7419.0100, 7419.0200, 7419.0300, 7419.0400, 7419.0500, 7419.0600, 7419.0700, and 7419.0800

Title: Proposed Rules Governing Film Rental Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: April 18, 1986

Department of Public Safety

Proposed Rules Governing Film Rental Fees

Rules as Proposed (all new material)

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

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APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD833

Agency: Department of Public Safety

Division:

Agency Contact: Nancy Kelly
Administrative Assistant

Minnesota Rules: Parts 7419.0100, 7419.0200, 7419.0300, 7419.0400, 7419.0500, 7419.0600, 7419.0700, and 7419.0800

Title: Proposed Rules Governing Film Rental Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945

Date: April 18, 1986

Department of Public Safety

Proposed Rules Governing Film Rental Fees

Rules as Proposed (all new material)

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APPROVED IN THE OFFICE OF STATUTES

renter at the applicable fee, if any, under part 7419.0400.

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Films lost or destroyed while in the renter's possession or while in the return mail must be replaced at the film library by the renter.

APPROVED IN THE
REVISOR OF STATUTES
BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD833

Agency: Department of Public Safety

Division:

Agency Contact: Nancy Kelly
Administrative Assistant

Minnesota Rules: Parts 7419.0100, 7419.0200, 7419.0300, 7419.0400, 7419.0500, 7419.0600, 7419.0700, and 7419.0800

Title: Proposed Rules Governing Film Rental Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945

Date: April 18, 1986

Department of Public Safety
Office of Public Information.

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Establishing Film Rental Fees for Traffic Safety Films.

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 14.22 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 20 percent of the persons who will be required to pay the fee 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 14.131 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
318 Transportation Building
St. Paul, MN 55155
(612) 296-9754

The Department's authority to adopt the proposed rules is contained in First Special Session Laws, 1985, Ch. 10 and Minnesota Stat. § 299A.01, subd 6. 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.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota.

The newly established fees will have an impact on commercial driving schools and any other small businesses using traffic safety films from the Film Library. These rules provide for an additional expense not previously incurred by these small businesses. In developing the fee schedule, the department has kept the fees for film rental as low as possible while still meeting the legislative mandate which requires that fees be set so as to collect $40,000 per year.

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.

The department estimates that there will be some 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, Subd. 1. The school districts in Minnesota are users of the Film Library for traffic safety films primarily for driver education classes. The cost to local school districts will not exceed $100,000. The proposed rules provide for an annual membership for public school districts at a fee of $750 per year.

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

STATE OF MINNESOTA

May 28, 1986
DATE

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

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Establishing Film Rental Fees for Traffic Safety Films.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are not amendments to existing rules of the State Department of Public Safety.

The need to adopt these rules arises because of a law passed by the Legislature in the 1985 Special Session I, Chapter 10, and Minnesota Statute 299.A.01, subdivision 6, which requires the Department of Public Safety to establish film rental fees at rates determined so as to collect $40,000 each year.

This legislation was in response to the termination of federal funds which had been used to purchase and maintain traffic safety films for the Film Library for the past 10 years. The federal funds terminated September 30, 1985.

The film rental fees are limited to traffic safety films because those are the films that had previously been provided for with the federal funding and the law states that fees be established for traffic safety films.

7419.0400 - Rental Fees - The fee structure set out in this subpart was set up in order to meet the legislative mandate of collecting $40,000. With current annual usage of 20,000 traffic safety films per year and comments from the commerical driving schools and school districts who are the heaviest users of traffic safety films, we anticipate a dramatic decrease in film usage. If film usage of traffic safety

films drops to 10,000 per year as anticipated, the average fee must be $4 per film in order to recover $40,000 per year. The fee structure is broken down by age and length of the films. With a lower fee for older and shorter films and higher fees for newer, longer films.

The responses received from school districts indicated a need for a blanket fee or annual membership to ease administration of paying the proposed fees. This is particularly needed for large school districts to reduce the amount of administrative time and expense of issuing checks and processing paperwork for film rental by the various schools. The $750 annual membership would only be useful to the larger school districts who would be most burdened by the additional administrative functions.

7419.0500 Rental Terms - The rental terms are set out on the basis of the present system of loaning films. The film rental period is limited to 1 - 5 days to ensure the availability of films to all users and to allow time for mailing of films. Under the present system we will substitute a comparable film to the renter if the film requested is not available in order to accommodate the rental needs.

7419.0600 Late Fees - The most efficient and effective use of films is to have them being used by customer's as often as possible. This requires users to return films immediately at the end of a rental period. If films are not returned immediately we may not be able to provide the film to a subsequent renters on time. A late fee plan would help avoid this situation, and if it did occur, then those returning films late would be penalized, and the longer the abuse period the greater the penalty.

These rules have some impact on small businesses in Minnesota, and the department has considered the methods for reducing the impact as required by Minn. Stat. 14.115, Subd. 2. The newly established fees will have an impact on commercial driving

schools and any other small businesses using traffic safety films from the film library. These rules will be an additional expense not previously incurred by these small businesses. In developing the fee schedule, the department has kept the fees for film rental as low as possible while still adequately covering the cost and maintenance of the films and meeting the legislative mandate which requires that fees be set so as to collect $40,000 per year.

The department attempted to develop the procedures in the least burdensome manner. The department is concerned that film usage will drop because of the fees imposed. The department feels strongly that these traffic safety films are a valuable educational tool particularly to new, young drivers and does not wish to discourage the use of films in driver education but rather to encourage their usage.

The department sent out a letter to each of the commercial driving schools and school districts in the state to inform them of the proposed fee to be imposed on traffic safety films and to solicit their input as to how the fees will impact them and how we can accommodate their needs.

The response from the commercial driving schools and school districts was that the fees would be an additional burden on their program and that they in turn would have to either reduce film usage or increase their fees.

PAUL J. TSCHIDA
COMMISSIONER

ACNLKNA057

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Establishing Film Rental Fees for Traffic Safety Films.

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

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

That on the 24th day of January, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules With 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 and, if applicable, on all persons and organizations on a discretionary mailing list.

Cheryl Gebhart

Subscribed and sworn to before me

this 24th day of January.

1986.

Patricia I Harris

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 7, 1990

ACNLKF0011
Rev. 11-85

B. a center for independent living is not meeting all of the requirements of part 3300.3200; or

C. a center for independent living is not being administered in accordance with parts 3300.3100 to 3300.3350.

Subp. 2. **Preliminary determination.** In situations governed by subpart 1, the commissioner must give written notice at least 45 days before terminating the certification of a center for independent living, except where there is imminent danger to the health or safety of consumers. The preliminary notice must state the grounds for the termination and must allow a reasonable time to remedy the noncompliance. The preliminary notice of termination of certification creates the right of appeal as provided in part 3300.3350.

Subp. 3. **Withdrawal of state funds.** Allocated state funds will be withdrawn from a center for independent living whose certification is terminated.

3300.3350 APPEAL.

Subpart 1. **Scope.** A center for independent living operating under a valid certificate has the right to appeal the commissioner's termination of its certification under part 3300.3300, subpart 1.

Subp. 2. **Notice of intent to appeal.** The center for independent living may appeal a preliminary determination concerning termination of certification as provided in part 3300.3300, subpart 2. The appeal must be in writing to the Division of Rehabilitation Services in the Minnesota Department of Jobs and Training. The written notice of intent to appeal must be received by the Division of Rehabilitation Services within 30 calendar days from the date that a preliminary notice of termination is sent. If the notice of intent to appeal is not received within the 30-day period, the preliminary determination of the Division of Rehabilitation Services is final. The notice of intent to appeal must state the grounds for the appeal including relevant facts and issues that could be addressed at a contested case hearing.

Subp. 3. **Informal contact.** A representative of the commissioner will contact the appellant and discuss the grounds for the appeal no more than 15 days after the Division of Rehabilitation Services receives a notice of intent to appeal. The contact by the commissioner's representative must be reduced to writing, must contain a summary of the nature and basis of the decision, and must describe the appellant's appeal rights under subpart 4.

Subp. 4. **Contested case appeal.** If an appellant has first informally discussed the appeal as provided in subpart 3 and has not been completely satisfied, the appellant may request in writing a contested case hearing before an administrative law judge as provided in Minnesota Statutes, sections 14.57 to 14.62. The contested case hearing must be initiated and conducted according to parts 1400.5100 to 1400.8500.

Subp. 5. **Proposal for decision.** When an initial decision is rendered, the administrative law judge will prepare a proposal for decision that will be recommended for the commissioner's adoption.

Subp. 6. **Decision and order.** The commissioner must notify the appellant of a final decision as provided in Minnesota Statutes, section 14.62.

Subp. 7. **Legal representation.** A party may be represented by legal counsel at any step of the appeals process.

Department of Public Safety
Office of Public Information

Proposed Rules Governing Film Rental Fees

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 14.22 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 20 percent of the persons who will be required to pay the fee 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 14.131 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
318 Transportation Building
St. Paul, MN 55155
(612) 296-9754

The Department's authority to adopt the proposed rules is contained in First Special Session Laws, 1985, Ch. 10 and Minnesota Stat. § 299A.01, subd. 6. 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.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota.

The newly established fees will have an impact on commercial driving schools and any other small businesses using traffic safety films from the Film Library. These rules provide for an additional expense not previously incurred by these small businesses. In developing the fee schedule, the department has kept the fees for film rental as low as possible while still meeting the legislative mandate which requires that fees be set so as to collect $40,000 per year.

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.

The department estimates that there will be some 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, Subd. 1. The school districts in Minnesota are users of the Film Library for traffic safety films primarily for driver education classes. The cost to local school districts will not exceed $100,000. The proposed rules provide for an annual membership for public school districts at a fee of $750 per year.

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

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed (all new material)

7419.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Film library.** "Film library" means the film library staffed and funded by the Minnesota Department of Public Safety.

Subp. 3. **Films.** "Films" means 16 millimeter films and video cassettes used in the instruction of traffic safety or as support material in the instruction of traffic safety.

Subp. 4. **Traffic safety instruction.** "Traffic safety instruction" means instructional or educational programs addressing driver education, pedestrian safety, motorcycle safety, bicycle safety, defensive driving, and energy conservation in vehicles or other vehicular means of transportation.

Subp. 5. **Renter.** "Renter" means a person, group, governmental agency, or other organization requesting films from the film library.

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.

7419.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of this chapter is to establish film rental fees for films in the Minnesota Department of Public Safety film library used as instructional aids in traffic safety education.

Subp. 2. **Scope.** The scope of this chapter is intended to be consistent with Minnesota Statutes, section 299A.01, subdivision 6.

7419.0300 FILM RENTAL.

The film library may rent films for traffic safety instruction to schools, civic groups, subdivisions and agencies of state government, commercial driver training schools, and individuals.

7419.0400 RENTAL FEES.

Rental fees are based on the length and age of the film. Film rates listed in this part are for color films. The fees for black and white films are 20 percent less than the fees for corresponding color films. The fees for color films are as follows:

Running Time	Film Less Than Four Years Old	Film Over Four Years Old
Less than 15 minutes	$4.00	$3.00
15 minutes but less than 30 minutes	5.00	4.00
30 minutes or more	5.50	4.50

An annual membership is available at a fee of $750, that allows only public or nonpublic elementary and secondary schools located within a public school district, as a group, to rent the films for use by all or any of its individual public schools or nonpublic schools on a yearly basis from July 1 to June 30. The annual membership is subject to the conditions of parts 7419.0100 to 7419.0800 except for the regular fee schedule.

7419.0500 RENTAL TERMS.

Films may be rented from the film library for a period of one to five days. The renter must provide the dates when the film will be used. The film library shall mail rented films in advance of the first day of use so that the renter receives the film in time. Films returned by mail must be postmarked by the day following the date provided for the last day of use of the film. If the film requested is not available, the film library shall notify the renter and give the renter an option of renting a comparable film. If the comparable film is objectionable, the renter must notify the film library immediately. If no objection is received, the comparable film will be sent to the renter at the applicable fee, if any, under part 7419.0400.

7419.0600 LATE FEES.

The department shall assess late fees when a film being returned is postmarked later than the day after the date provided for the last day of use of the film. The late fee for being one to six days late is twice the initial rental fee. The late fee for being seven to 12 days late is four times the initial rental fee. The late fee will again double for each subsequent six-day period.

7419.0700 FILM RETURN POSTAGE.

Film return postage must be paid by the renter. Films should be insured when mailed back to the film library.

7419.0800 FILMS LOST OR DESTROYED.

Films lost or destroyed while in the renter's possession or while in the return mail must be replaced at the film library by the renter.

Department of Public Safety
State Patrol Division

Proposed Rules Relating to Slow Moving Vehicle Emblems

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. Section 14.14, Subd. 1a, in the above entitled matter in the Department of Transportation Building, Highway 52 North, Rochester, Minnesota, on August 20, 1986, commencing at 10:15 a.m., and continuing until all interested persons or groups have had an opportunity to be heard concerning adoption of the

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rule of the State Department of Public Safety Establishing Film Rental Fees for Traffic Safety Films.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's proposed adoption of the above-entitled rule was published in the **State Register** on June 16, 1986, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, Sections 14.14, Subdivision 1a and 14.22 and to all driver training schools and public and private schools on June 13, 1986. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency received three requests for a public hearing. Therefore, the agency did not receive request for a public hearing from 20 percent or more persons which were not withdrawn.

No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The definition of film was amended to include 35 millimeter slides and films strips used in the instruction of traffic safety. These are included so that all traffic safety instruction materials will have a fee charged for them.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules 7419.0100 through .0800, Film Rental Fees, as modified is adopted this 8th day of September, 1986, pursuant to authority vested in me by Minnesota Statutes, Section 299.01, Subd. 6.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

In the Matter of the Adoption of Rule
of the State Department of Public
Safety Establishing Film Rental Fees
for Traffic Safety Films

DECLARATION OF COUNSEL

I, Kenneth H. Bayliss III, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, Chapter 2010 hAve been followed. For Attorney General billing purposes, the four-digit docket client code is 0710.

DATED: 9/17/86

Kenneth H. Bayliss III
ATTORNEY'S NAME
SPECIAL ASSISTANT
ATTORNEY GENERAL

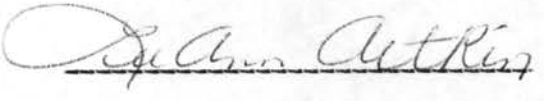
STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Establishing Film Rental Traffic Safety Films.

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 Subd. 1a, 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 13th day of June, 1986.



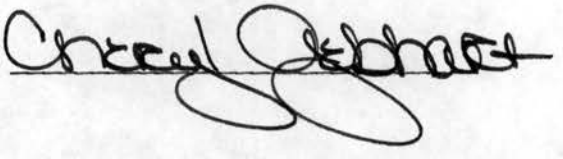
STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption
of Rules of the State Department of
Public Safety Establishing Film
Rental Fees for Traffic Safety Films.

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 Subd. 1a, 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 24th day January, 1986.



STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Establishing Film Rental Traffic Safety Films.

AFFIDAVIT OF MAILING
NOTICE OF HEARING

LeeAnn Aitkin, being first duly sworn, deposes and says:

That on the 13th day of June, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy therof, 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, and, if applicable, on all persons and organizations on a discretionary mailing list.

LeeAnn Aitkin

Subscribed and sworn to before me

this 13th day of June,

1986.

Patricia I Harris

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 7, 1990

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Establishing Film Rental Fees for Traffic Safety.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 28th day of May, 1986, 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

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT PUBLIC SAFETY

Office Memorandum

TO: Martha Casserly
Special Assistant Attorney General

DATE: 9/29/86

FROM: Nancy Kelly NK
Administrative Assistant

PHONE: 6-8453

SUBJECT: Film Rental Rules

I have enclosed the record for rules establishing film rental fees. These rules have been approved by our Assistant Attorney General Ken Bayliss.

Please notify me when these rules are approved by your office. Thank you.

Enclosure

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL
Public Safety Division

TO: NANCY KELLY
Administrative Assistant

DATE 9/17/86

FROM: KENNETH H. BAYLISS, III
Special Assistant
Attorney General

PHONE: 6-1248

SUBJECT: Attached material

I have reviewed the rulemaking record. Everything appears to be in order.

KHB:plp
attach.



Notice of Intent - ok - included 16a.128

Findings of fact

- notice of intent statement - no
- " " Need + Reasonableness - yes
- " " 30 day comment period - yes
- Hearing Request Stmt yes
- There are 2 changes between proposed + adopted.
  1. Film definition - stmt in doc - yes
  2. Fee for slide show - " " " - no (both included w/in slides)
- Need + Reasonable stmt - yes
- Signature + Date.

Declaration of Counsel - ok

Statement of Need + Reasonableness / Rule