

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1333 Docket No. 05.0009.0713

DATE RECEIVED 12-9-86
REVIEW DATE 12-18-86
DUE DATE 12-23-86

APPROVED 12/23/86
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 12-10-86
REVISOR DISAPPROVED
FILED W/SEC. STATE 12-24-86
RETURNED TO AGENCY 12-26-86

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
1-14-85 Date published in State Register
Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
Statutory Authority
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
9-26-86 Date 30/25 days before adoption

✓ Publication in State Register
9-29-86 Date 30/25 days before adoption

Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
11-4-86 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney
Peggy Bunch Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: PAUL J. TSCHIDA
Commissioner of Public Safety

ATTN: PEGGY BUNCH
Special Assistant Attorney General

DATE: 12-24-86

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Rules Relating Deputy Registrars

The above-referenced rule has been approved as to its legality by the Attorney General on December 23, 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.

JMM/ag
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1333

Department of Public Safety

Adopted Rules Relating to Deputy Registrars

Rules as Adopted

7406.0100 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Application for registration.** "Application for registration" includes a transaction received by a deputy registrar in conjunction with registering, reregistering, transferring, or titling vehicles and does not include requests for refunds, the surrender of certificates of title on junked vehicles, or those transactions listed in part 7406.0500, subpart 5, item B.

Subp. 4. [Unchanged.]

Subp. 5. **Metropolitan county.** "Metropolitan county" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 4.

Subp. 6. **Municipality.** "Municipality" includes a statutory city, home rule charter city, and town.

7406.0300 ESTABLISHING NEW OFFICE OR APPOINTING NEW DEPUTY REGISTRAR.

Subpart 1. **Hennepin and Ramsey counties.** The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in Ramsey or Hennepin county:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 35,000. The number of applications for registration will be estimated as 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of over five miles and less than 9-1/2 miles.

If a percentage of applications for registration submitted

to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 35,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within a five-mile radius of an existing deputy registrar office.

C. In addition, the five-mile radius of the proposed new deputy registrar office must not overlap into a five-mile radius of an existing deputy registrar office.

Subp. 1a. **Other metropolitan counties; municipalities with over 50,000 population.** The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in a metropolitan county, not including Hennepin and Ramsey counties, or in a municipality with a population exceeding 50,000, not including municipalities in Hennepin and Ramsey counties:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 20,000. The number of applications for registration will be estimated as the largest number computed in subitem (1), (2), or (3):

(1) 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of over five miles but less than 6-1/2 miles;

(2) 20 percent of the applications for registration processed within the preceding year by existing deputy registrar

offices located within a radius of the proposed new office of at least 6-1/2 miles but less than eight miles; or

(3) ten percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of at least eight miles but less than 9-1/2 miles.

If a percentage of applications for registration submitted to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 20,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within a five-mile radius of an existing deputy registrar office.

C. In addition, the five-mile radius of the proposed new deputy registrar office must not overlap into a five-mile radius of an existing deputy registrar office in Minnesota.

Subp. 2. **Other areas.** In all other municipalities not included in subpart 1 or 1a, the following conditions must be met before a new deputy registrar office is approved:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 4,000. The number of applications for registration will be estimated as follows: 20 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within 20 miles of the proposed new office, or, if there is no existing deputy registrar office located within 20 miles of the proposed

new office, the total number of new car sales multiplied by four, made by all new car dealers within 25 miles of the proposed new office as determined by a survey taken by the registrar, plus one-half the population of the municipalities that are closer to the new proposed office than to an existing deputy registrar office.

B. The proposed new office must not be located within a 15-mile radius of or 25 minutes driving time from an existing deputy registrar office, except in municipalities having a population of 25,000 to 50,000. In addition, the 15-mile radius of the proposed new deputy registrar office must not overlap into a 15-mile radius of an existing deputy registrar office in Minnesota.

C. The proposed new office must not be located in a municipality of less than 25,000 population if there is an existing deputy registrar office in that municipality.

D. The proposed new office must not be located in a municipality having a population of 25,000 to 50,000 unless there are less than two existing deputy registrar offices in that municipality.

7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS.

Subpart 1. **Sole operator.** A deputy registrar must manage the office in accordance with the following:

A. and B. [Unchanged.]

C. If a corporation is a deputy registrar under Minnesota Statutes, section 168.33, subdivision 2, the individual signing for the corporation as deputy registrar must be an officer of the corporation. This individual is responsible for the duties of the corporation as a deputy registrar.

Subp. 2. to 5. [Unchanged.]

7406.0700 EXEMPTION.

Notwithstanding part 7406.0300, a new deputy registrar may be appointed for an existing location upon the death, resignation, or retirement of an existing deputy registrar whose

office does not comply with the requirements for distance or number of applications for registration processed. If, within three months, a new deputy registrar appointment is not accepted by the person to be appointed or if the office is not established by the appropriate local government, then part 7406.0300 applies.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 24 1986
Joan Anderson Growe
Secretary of State

10:02 AM

APPROVED AS TO FORM AND LEGALITY

12/23 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Department of Public Safety

Driver and Vehicle Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Revision of Rules of the State Department of Public Safety Governing Deputy Registrars.

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to amend existing rules governing deputy registrars, Minnesota Rules 7406.0100 to 7406.0600, including but not limited to statutory changes allowing incorporation.

The promulgation of these rules is authorized by Minnesota Statutes section 168.33, which authorizes the Commissioner of Public Safety to appoint deputy registrars and for cause discontinue such appointments.

The State 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:

Marlene Swanson
Room 161 Transportation Building
John Ireland Boulevard
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at 612-296-2001 and in person at the above address.

All statements of information and comment shall be accepted until February 15, 1985. 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

ACDKHF0022

Department of Public Safety

Proposed Rules Relating to Deputy Registrars

Rules as Proposed

7406.0100 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Application** for registration. "Application for registration" ~~has the meaning given "application for registration" in Minnesota Statutes, section 168.011, subdivision 2,~~ and includes a **reapplication** transaction received by a deputy registrar in conjunction with registering, reregistering, transferring, or titling vehicles and does not include requests for refunds, the surrender of certificates of title on junked vehicles, or those transactions listed in part 7406.0500, subpart 5, item B.

Subp. 4. [Unchanged.]

Subp. 5. **Metropolitan county.** "Metropolitan county" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 4.

Subp. 6. **Municipality.** "Municipality" includes a statutory city, home rule charter city, and town.

7406.0300 ~~CRITERIA FOR~~ ESTABLISHING NEW OFFICE OR APPOINTING NEW DEPUTY REGISTRAR ~~APPOINTMENT~~.

Subpart 1. ~~Within metropolitan area and in cities of over 50,000 population~~ Hennepin and Ramsey counties. The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in Ramsey or Hennepin county:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least ~~20,000~~ 35,000. The number of applications for registration will be estimated as ~~follows:~~ ~~40~~ 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices

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located within a ~~four-mile~~ radius of the proposed new office ~~or 25-percent-of-the-applications-processed-within-the-preceding year-by-existing-deputy-registrars-within-six~~ of over five miles and less than 9-1/2 miles ~~of-the-proposed-new-office,-whichever is-the-larger.~~

If a percentage of applications for registration submitted to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 35,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within ~~three-miles~~ a five-mile radius of an existing deputy registrar office.

C. In addition, the five-mile radius of the proposed new deputy registrar office must not overlap into a five-mile radius of an existing deputy registrar office.

Subp. 1a. **Other metropolitan counties; municipalities with over 50,000 population.** The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in a metropolitan county, not including Hennepin and Ramsey counties, or in a municipality with a population exceeding 50,000, not including municipalities in Hennepin and Ramsey counties:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 20,000. The number of applications for registration will be estimated as the largest number

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computed in subitem (1), (2), or (3):

(1) 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of over five miles but less than 6-1/2 miles;

(2) 20 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of at least 6-1/2 miles but less than eight miles; or

(3) ten percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of at least eight miles but less than 9-1/2 miles.

If a percentage of applications for registration submitted to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 20,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within a five-mile radius of an existing deputy registrar office.

C. In addition, the five-mile radius of the proposed new deputy registrar office must not overlap into a five-mile radius of an existing deputy registrar office in Minnesota.

Subp. 2. **Other areas.** In all other ~~cities~~ municipalities not included in subpart 1 or 1a, the following conditions must be met before a new deputy registrar office is approved:

A. The estimated number of applications for

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

registration that a new deputy registrar office will process annually must be at least 4,000. The number of applications for registration will be estimated as follows: 20 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within 20 miles of the proposed new office, or, if there is no existing deputy registrar office located within 20 miles of the proposed new office, the total number of new car sales~~,~~ multiplied by four, made by all new car dealers within 25 miles of the proposed new office as determined by a survey taken by the registrar, plus one-half the population of ~~all towns and cities~~ the municipalities that are closer to the new proposed office than to ~~any~~ an existing deputy registrar office.

B. The proposed new office must not be located within ~~15 miles~~ a 15-mile radius of or 25 minutes driving time ~~of~~ from an existing deputy registrar office, except in ~~cities~~ municipalities having a population of 25,000 to 50,000. In addition, the 15-mile radius of the proposed new deputy registrar office must not overlap into a 15-mile radius of an existing deputy registrar office in Minnesota.

C. The proposed new office must not be located in a ~~city~~ municipality of less than 25,000 population if there is an existing deputy registrar office in that ~~city~~ municipality.

D. The proposed new office must not be located in a ~~city~~ municipality having a population of 25,000 to 50,000 unless there are less than two existing deputy registrar offices in that ~~city~~ municipality.

7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS.

Subpart 1. **Sole operator.** A deputy registrar must manage the office in accordance with the following:

A. and B. [Unchanged.]

C. If a corporation is a deputy registrar under Minnesota Statutes, section 168.33, subdivision 2, the individual signing for the corporation as deputy registrar must be an officer of the corporation. This individual is

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

responsible for the duties of the corporation as a deputy registrar.

Subp. 2. to 5. [Unchanged.]

7406.0700 EXEMPTION.

Notwithstanding part 7406.0300, a new deputy registrar may be appointed for an existing location upon the death, resignation, or retirement of an existing deputy registrar whose office does not comply with the requirements for distance or number of applications for registration processed. If, within three months, a new deputy registrar appointment is not accepted by the person to be appointed or if the office is not established by the appropriate local government, then part 7406.0300 applies.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD879

Agency: Department of Public Safety

Division: Driver and Vehicle Services

Agency Contact: Nancy Kelly

Minnesota Rules: Parts 7406.0100; 7406.0300; 7406.0500; and 7406.0700

Title: Proposed Rules Relating to Deputy Registrars

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: January 13, 1986

Department of Public Safety
Driver and Vehicle Services Division

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Appointment of Operation of Deputy Registrars.

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 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 14.131 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:

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

The Department's authority to adopt the proposed rules is contained Minnesota Statutes, section 14.06; 168.33. 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 have an impact on some small businesses in Minnesota. The amendments affect potential private deputy registrars offices. To ensure that the appointment of a deputy registrar shall be in the best interest of the public it is necessary to impose limitations on where deputy registrars may be located. The public interests to be served include convenience of location, quality service and cost effectiveness.

The amendment also serves to allow for the anticipated volume of new deputy registrar offices needed, yet ensures that the establishment of a new deputy office will not adversely affect the established deputy registrars, resulting in disservice to the public.

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, Subd. 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, Subd. 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

Sept 11, 1986
DATE

Paul 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 appointment
and operating requirements of a
deputy registrar office.

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 adopted May 31, 1983.

I. General Statement. The need to adopt these rules arises because of the problem of deputy registrars being located too close in proximity to be cost effective to the public and to ensure that locations are spaced, based on population and need, for the convenience of the public. The proposed amendments are consistent with Minnesota Statutes, section 168.33 and with existing rules and regulations governing the appointment and operating requirements of a deputy registrar office. These amendments further define reasonable criteria used in evaluating whether the public interest and convenience require the appointment of a deputy registrar in a particular city. The registrar believes that the proposed amendments are reasonable because they impose no undue hardship on the appointed deputy registrars, and provide further protection for the public.

In order to make deputy registrar offices cost efficient to the state and to the public it is necessary to place limitations on the number and locations of deputy registrars. The state provides training to deputy registrars on an ongoing basis. The state must also assist deputy registrars with problems, verifying transactions and supplying the deputies with forms, plates and stickers, and auditing the fees and taxes collected for the State of Minnesota.

If more than one deputy is located in an area of low population that cannot support the business of two or more deputy offices, it wastes state resources in training, personnel time and supplies provided to the deputies. The interest of convenience to the public is not served in this manner and state tax dollars are not put to efficient use.

II. Statutory Authority. The department is authorized to promulgate rules under Minnesota Statutes, section 14.06 relating to "administration of official agencies duties to the extent that those procedures directly affect the rights of or procedures available to the public. The motor vehicle administration functions performed by deputy registrars directly affect the rights of and procedures available to the public to comply with statutory motor vehicle requirements. Also, Minnesota Statutes, section 168.33, subd. 2 gives the registrar the power to "appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require...".

III. Small Business Consideration. These rules have some impact on small business in Minnesota, and the department has considered the methods for reducing the impact as required by Minnesota Statutes, section 14.155, subd. 2. The small businesses affected by these rules are potential deputy registrars. The proposed amendments were designed to ensure that the appointment of a deputy registrar is in the best interest of the public. To serve the public interests on convenience of location, quality service and cost effectiveness, it is necessary to impose limitations on where deputy registrars may be located.

IV. Rule by Rule Analysis

7406.0100 Definitions

Subp. 3. Application for registration is changed to reflect the work of deputy registrars. The current definition of application for registration deals

only with registering motor vehicles. Deputy registrars perform other functions that are included for purposes of applications for registration.

Subp. 5. Metropolitan County. This definition is added to explain the localities we are describing for purposes of locating a deputy registrar. It is in conformance with the statutory definition in Minnesota Statutes, section 473.121, subd. 4.

Subp. 6. Municipality. This definition is needed to explain those areas affected by deputy registrar location requirements.

7406.0300 Establishing New Office or Appointing New Deputy Registrar

Subp. 1. This subpart deals with Hennepin and Ramsey counties. Because the deputy registrars in these counties are located in densely populated areas it is more cost efficient and in the best interest of the public to increase the number of applications for registration and titling required for new deputies from 20,000 to 35,000. It is reasonable that in densely populated areas that a deputy office should have a greater volume of business than in a rural area. In order to keep the deputy offices cost effective to the public it is reasonable and necessary to expect deputies in these densely populated counties to handle a higher volume of applications than rural areas. In addition, the distance deputies may be located is increased from three to five miles to ensure the cost effectiveness as well as convenience to the public. The requirement that the five mile radius of a proposed deputy office does not overlap into the five mile radius of an existing deputy office is consistent with the increase in application for registrations and helps to ensure that deputies will be located throughout the counties rather than concentrated in specific sections of the counties thereby ensuring convenience to the public.

The percentage of applications for registration is reduced from 40 percent to 30 percent in determining the volume required for new deputy offices. It is necessary and reasonable to reduce the percentage of applications in light of the increased distances for establishment of new deputy registrars offices described in subp. B to ensure convenient locations for the public.

This percentage cannot be used again to establish an additional deputy registrar within a two year period. This is needed because it takes approximately two years for a new deputy to become established in an area based on the department's past experience. Not until the deputy is established for two years do we have any records on which to accurately base the volume of applications for registration and titling of the new deputy or adjacent deputies.

In using this percentage, if the new deputy office would reduce the volume of the existing deputy to below 35,000 applications, the deputy cannot be established. This is needed to ensure that each deputy office has a sufficient amount of business to make it cost effective to the state and prevent the grouping of deputy offices in certain areas of these counties while other areas are not served properly.

Subp 1a. This subpart deals with other metropolitan area counties and municipalities with over 50,000 population. Here, the estimated number of applications for registration needed to establish a new deputy office remains at 20,000. These areas are not as densely populated as Hennepin and Ramsey counties. It is necessary to keep the number of applications at 20,000 in order to provide for adequate service to the public in these less densely populated areas.

A. The percentage of applications for registration used for establishment of a new deputy office decreases with the increase in distance to existing deputy office locations, to ensure that less populated and rural areas are adequately served. Otherwise people may be forced to drive a long distance in order to use this service.

These figures were determined by looking at the size of the other metropolitan counties and cities over 50,000 and the population of these areas.

In using these percentages, if the new deputy office would reduce the volume of the existing deputy to below 20,000 applications, the deputy cannot be established. This is needed to ensure that each deputy office has a sufficient amount of business to make it cost effective to the state and prevent the clustering of deputy offices in certain areas of these counties while other areas are not served properly.

This percentage cannot be used again to establish an additional deputy registrar within a two year period. This is needed because it takes approximately two years for a new deputy to become established in an area based on the department's past experience. Not until the deputy is established for two years do we have any records on which to accurately base the volume of applications for registration and titling of the new deputy or adjacent deputies.

The ten mile radius required for establishment of a new deputy office will prevent the clustering of several deputies within a few miles of one another in order to provide convenient locations to the public.

Subp 2. Other Areas. This subpart deals with all other municipalities not included in subpart 1 or 1a. This subpart changes the distance requirement for establishment of a new deputy registrar office in rural and less populated areas of the state. The word "radius" was added to clarify the method of

measuring. This is needed in less populated and rural areas to ensure that deputy offices are well spaced in order to provide convenient locations to the public and ensure that rural deputies can maintain an adequate amount of business to make it cost effective to the state.

7406.0500 General Operating Rules for Deputy Registrars

Subp. 1c. This is necessary and reasonable because the registrar must have the name of a person involved in the business at a level of authority when problems arise with respect to errors on transactions, changes in the laws and other business related activities. If any criminal acts occur, a person must be held accountable

7406.0700 Exemption

This subpart exempts from the requirements of part 7406.0300 a new deputy appointed to an existing deputy office due to death, resignation or retirement of the existing deputy registrar. This is necessary and reasonable because an existing deputy presumably has a established business with regular clientel and to close that business would be inconvenient to the public. Three months is a reasonable period of time to provide for an appointment to the vacant deputy registrar. Three months is adequate to provide notice of a vacancy and to review applications based on the registrar's past experience with deputy vacancies.

Conclusion

Based on the foregoing, the Department of Public Safety's proposed amendments are both necessary and reasonable.

Paul Tschida

Commissioner

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Appointment of Operation of Deputy Registrars.

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

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

That on the 26th day of September, 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.

LeAnn Aitkin

Subscribed and sworn to before me

this 26th day of September,

1986.

Patricia I. Harris

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Appointment of Operation of Deputy Registrars.

CERTIFICATE OF MAILING LIST OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

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 2:00 p.m., this 26th day of September, 1986.

D. A. Aitkin

waste having a pH greater than 12.5 which is recycled or reused. Rules being considered for possible amendment include Minn. Rules parts 7045.0120, 7045.0125 and 7001.0520.

Consideration is being given to either exempting waste having a high pH which is recycled or reused from regulation under the hazardous waste rules provided specific conditions are met, or including specific requirements for the reuse/recycle of high pH waste meeting specific conditions. Conditions could include pH level, irritative properties, and reporting and other management requirements.

The MPCA requests information and comments concerning the subject matter of the proposed amendments. Written or oral information or comments will be accepted until February 4, 1985. Written statements should be addressed to: Karen A. Ryss, Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota 55113. Oral statements will be received during regular business hours at 612/297-1793.

January 7, 1985

Michael Robertson
for
Thomas J. Kalitowski
Executive Director

Pollution Control Agency
Solid and Hazardous Waste Division

Outside Opinion Sought Regarding Amendments to Minnesota Rules Parts 7001.0650, 7045.0135 and 7045.0214 Governing the Management of Hazardous Waste

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding the amendment of the above captioned rules to incorporate recent amendments to the United States Environmental Protection Agency's hazardous waste regulations. The MPCA is considering the following amendments:

—Minn. Rules part 7045.0135, subpart 4, items E and F would be amended to change the hazard class under which warfarin and zinc phosphide are listed. Waste products containing either warfarin at concentrations of 0.3 percent or less, or zinc phosphide at concentrations of 10 percent or less would be listed as hazardous wastes instead of the present listing as acutely hazardous wastes.

—Minn. Rules part 7045.0214, subpart 3 would be amended to exclude waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry from regulation as a hazardous waste providing the material does not exhibit any characteristics of a hazardous waste.

—Minn. Rules part 7001.0650, subpart 3 would be amended to include a provision to allow the owner or operator of a hazardous waste facility 30 days to respond to a notice that part A of the permit application is deficient and cure or explain the alleged part A deficiency.

—The MPCA requests information and comments concerning the subject matter of the proposed amendments. Written or oral information or comments will be accepted until January 28, 1985. Written statements should be addressed to: Karen A. Ryss, Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota 55113. Oral statements will be received during regular business hours at 612/297-1793.

January 7, 1985

Michael Robertson
for
Thomas J. Kalitowski
Executive Director

Department of Public Safety
Driver and Vehicle Services Division

Outside Opinion Sought Regarding Proposed Revision of Rules of the State Department of Public Safety Governing Deputy Registrars

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside

the agency in preparing to amend existing rules governing deputy registrars, Minnesota Rules 7406.0100 to 7406.0600, including but not limited to statutory changes allowing incorporation.

The promulgation of these rules is authorized by Minnesota Statutes section 168.33, which authorizes the Commissioner of Public Safety to appoint deputy registrars and for cause discontinue such appointments.

The State 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:

Marlene Swanson
Room 161 Transportation Building
John Ireland Boulevard
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at 612-296-2001 and in person at the above address.

All statements of information and comment shall be accepted until February 15, 1985. 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

Office of the Secretary of State

Notice of Unscheduled Vacancies in Multi-member State Agencies

Notice is hereby given to the public that unscheduled vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0497, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is February 5, 1985.

COUNCIL FOR THE HANDICAPPED has 1 vacancy open for a member. The council advises the Governor, legislature, service providing agencies, and the public on the needs and potentials of people with physical, mental or emotional disabilities. Members are appointed by the Governor. Bi-monthly meetings; members receive $35 per diem plus expenses. For specific information contact the Council for the Handicapped, Suite 208, Metro Square Bldg., St. Paul 55101; (612) 296-6785.

BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS has 1 vacancy open for a public member. The board licenses administrators of nursing homes, board/care homes and mental retardation facilities; conducts studies of nursing home administration; approves continuing education programs for administrators; investigates complaints and allegations of rule violations. Members are appointed by the Governor. Members must file with EPB. Quarterly meetings; members receive $35 per diem. For specific information contact the Board of Examiners for Nursing Home Administrators, 717 Delaware St. S.E., Mpls. 55414; (612) 623-5406.

State Planning Agency
Human Services Division
Developmental Disabilities Program

Announcement of Meeting of Institutional Care and Economic Impact Planning Board

The next meeting of the Institutional Care and Economic Impact Planning Board will be held on Friday, January 18, 1985 from 10:00 a.m. to 12:00 noon in Conference Rooms A and B of Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. The meeting is open to the public but seating is limited.

For additional information contact:

Colleen Wieck, Executive Director
Developmental Disabilities Program
(612) 296-9964

Department of Public Safety

Proposed Rules Relating to Deputy Registrars

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 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 14.131 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:

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

The Department's authority to adopt the proposed rules is contained in Minnesota Statutes, section 14.06; 168.33. 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 have an impact on some small businesses in Minnesota. The amendments affect potential private deputy registrars offices. To ensure that the appointment of a deputy registrar shall be in the best interest of the public it is necessary to impose limitations on where deputy registrars may be located. The public interests to be served include convenience of location, quality service and cost effectiveness.

The amendment also serve to allow for the anticipated volume of new deputy registrar offices needed, yet ensures that the establishment of a new deputy office will not adversely affect the established deputy registrars, resulting in disservice to the public.

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, Subd. 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

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.

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, Subd. 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

Rules as Proposed

7406.0100 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Application for registration.** "Application for registration" ~~has the meaning given "application for registration" in Minnesota Statutes, section 168.011, subdivision 2, and~~ includes a ~~reapplication~~ transaction received by a deputy registrar in conjunction with registering, reregistering, transferring, or titling vehicles and does not include requests for refunds, the surrender of certificates of title on junked vehicles, or those transactions listed in part 7406.0500, subpart 5, item B.

Subp. 4. [Unchanged.]

Subp. 5. **Metropolitan county.** "Metropolitan county" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 4.

Subp. 6. **Municipality.** "Municipality" includes a statutory city, home rule charter city, and town.

7406.0300 ~~CRITERIA FOR~~ ESTABLISHING NEW OFFICE OR APPOINTING NEW DEPUTY REGISTRAR ~~APPOINTMENT~~.

Subpart 1. **~~Within metropolitan area and in cities of over 50,000 population~~ Hennepin and Ramsey counties.** The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in Ramsey or Hennepin county:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least ~~20,000~~ 35,000. The number of applications for registration will be estimated as ~~follows: 40~~ 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a ~~four-mile~~ radius of the proposed new office ~~or 25 percent of the applications processed within the preceding year by existing deputy registrars within six~~ of over five miles and less than 9-1/2 miles ~~of the proposed new office, whichever is the larger~~.

If a percentage of applications for registration submitted to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 35,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within ~~three miles~~ a five-mile radius of an existing deputy registrar office.

C. In addition, the five-mile radius of the proposed new deputy registrar office must not overlap into a five-mile radius of an existing deputy registrar office.

Subp. 1a. **Other metropolitan counties; municipalities with over 50,000 population.** The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed in a metropolitan county, not including Hennepin and Ramsey counties, or in a municipality with a population exceeding 50,000, not including municipalities in Hennepin and Ramsey counties:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 20,000. The number of applications for registration will be estimated as the largest number computed in subitem (1), (2), or (3):

(1) 30 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of over five miles but less than 6-1/2 miles;

(2) 20 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of at least 6-1/2 miles but less than eight miles; or

(3) ten percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within a radius of the proposed new office of at least eight miles but less than 9-1/2 miles.

If a percentage of applications for registration submitted to an existing deputy registrar office is used to establish a new deputy registrar office, that percentage may not be used again to establish another office within a two-year period.

If the use of a percentage of applications for registration submitted to an existing deputy registrar office, to establish a new deputy registrar office, would reduce the number of applications to below 20,000 for the existing office, the proposed new deputy registrar office may not be established.

An application for appointment as a deputy registrar may not be considered within a two-year period following the establishment of a new deputy registrar office if the applicant's office is proposed to be located within ten miles of the newly established office.

B. The proposed new office must not be located within a five-mile radius of an existing deputy registrar office.

C. In addition, the five-mile radius of the proposed new deputy registrar office must not overlap into a five-mile radius of an existing deputy registrar office in Minnesota.

Subp. 2. **Other areas.** In all other ~~cities~~ municipalities not included in subpart 1 or 1a, the following conditions must be met before a new deputy registrar office is approved:

A. The estimated number of applications for registration that a new deputy registrar office will process annually must be at least 4,000. The number of applications for registration will be estimated as follows: 20 percent of the applications for registration processed within the preceding year by existing deputy registrar offices located within 20 miles of the proposed new office, or, if there is no existing deputy registrar office located within 20 miles of the proposed new office, the total number of new car sales, multiplied by four, made by all new car dealers within 25 miles of the proposed new office as determined by a survey taken by the registrar, plus one-half the population of ~~all towns and cities~~ the municipalities that are closer to the new proposed office than to ~~any~~ an existing deputy registrar office.

B. The proposed new office must not be located within ~~15 miles~~ a 15-mile radius of or 25 minutes driving time ~~of~~ from an existing deputy registrar office, except in ~~cities~~ municipalities having a population of 25,000 to 50,000. In addition, the 15-mile radius of the proposed new deputy registrar office must not overlap into a 15-mile radius of an existing deputy registrar office in Minnesota.

C. The proposed new office must not be located in a ~~city~~ municipality of less than 25,000 population if there is an existing deputy registrar office in that ~~city~~ municipality.

D. The proposed new office must not be located in a ~~city~~ municipality having a population of 25,000 to 50,000 unless there are less than two existing deputy registrar offices in that ~~city~~ municipality.

7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS.

Subpart 1. **Sole operator.** A deputy registrar must manage the office in accordance with the following:

A. and B. [Unchanged.]

C. If a corporation is a deputy registrar under Minnesota Statutes, section 168.33, subdivision 2, the individual signing for the corporation as deputy registrar must be an officer of the corporation. This individual is responsible for the duties of the corporation as a deputy registrar.

Subp. 2. to 5. [Unchanged.]

7406.0700 EXEMPTION.

Notwithstanding part 7406.0300, a new deputy registrar may be appointed for an existing location upon the death, resignation, or

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retirement of an existing deputy registrar whose office does not comply with the requirements for distance or number of applications for registration processed. If, within three months, a new deputy registrar appointment is not accepted by the person to be appointed or if the office is not established by the appropriate local government, then part 7406.0300 applies.

Department of Public Safety

Proposed Permanent Rules Relating to the Merit System

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Amend Rules without a Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, on November 12, 1986, commencing at 9:30 a.m. and continuing until all interested persons or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Merit System between October 30, 1986 and November 10, 1986 at 612/296-3996.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7608 either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50.

The rule hearing is governed by Minnesota Statutes, sections 14.01-14.56 and by Minnesota Rules parts 1400.0200-1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The Minnesota Merit System rules provide for a system of personnel administration for 21 county and local emergency services agencies. The rules apply to all positions and employees engaged in the administration of emergency services programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would provide for a general salary adjustment of 1% for merit system employees effective January 1, 1987.

Proposed revisions to parts 7520.1000-7520.1100 (the compensation plan) provide for adjustments of varying amounts to the minimum and maximum salaries for classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, section 12.12, subd. 3.

The cost to local public bodies of implementing the proposed rule changes will not exceed $100,000 for calendar year 1987.

A fiscal note explaining the costs to local agencies of complying with the rule has been prepared according to the requirements of Laws of Minnesota 1985 Special Session, Chapter 10, sections 34-38. A free copy of the fiscal note may be obtained by contacting Ralph W. Corey, Department of Human Services, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-3996.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rule of the State Department of Public Safety Governing Appointment and Operation of Deputy Registrars.

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 September 29, 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 on September 26, 1986. In addition, the notice was sent to the Deputy Registrar Association. 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. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. 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:

No changes have been made to the rules from the initial proposed rules.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Rules Governing Deputy Registrars is adopted this 4th day of November, 1986, pursuant to authority vested in me by Minnesota Statutes, section 168.33.

STATE OF MINNESOTA

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 Rule of the State Department of Public Safety Governing Appointment and Operation of Deputy Registrars.

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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 Governing Appointment and
Operation of Deputy Registrars.

DECLARATION OF COUNSEL

I, Peggy L. Bunch, 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 0713.

DATED: Dec 5, 1986

Peggy L Bunch
ATTORNEY'S NAME
SPECIAL ASSISTANT
ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed
Adoption of Rules of the State
Department of Public Safety
Governing Appointment and
Operation of Deputy Registrars.

ORDER FOR NOTICE OF
INTENT TO ADOPT RULES
WITHOUT PUBLIC HEARING

IT IS ORDERED this 11th day of September, 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 of PUBLIC SAFETY

Office Memorandum

TO: Martha Casserly
Attorney General's Office

RECEIVED
DEC 0 9 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

DATE: November 20, 1986

FROM: Nancy Kelly NK
Administrative Assistant

PHONE: 296-8453

SUBJECT: Rulemaking for Review and Approval

Enclosed are all required documents, materials exhibits for the following rulemaking:

Rules Governing Appointments and Operation of Deputy Registrars.

11-24-86

- 25 per conversation with Nancy Kelly, batch is to be sent to Nancy Bode for review by her & atty inter division & the Declaration of Counsel is completed
- then, send to Admin/Finance Division for Attorney general review & approval

MJCasserly

12/5/86

Marty —

I've gone over the enclosed and it looks clean.

Peg Bunch

RECEIVED
NOV 25 1986
ATTORNEY GENERAL'S OFFICE
FORD BLDG, SECOND FLOOR
ST. PAUL, MN 55155

Notice of Intent

No statement as to what statute authorizes the Dept to adopt Rules

Copy of Rule was attached to Notice