

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC

RULE REVIEW CHECKLIST

File No. 1748 Docket No. 05 0009 0720

DATE RECEIVED 10-8-90 ADOPTED W/O HEARING _____

REVIEW DATE 10-17-90 EMERGENCY RULE _____

DUE DATE 10-22-90 TO REVISOR ON 10-12-90

(DIS)APPROVED 10-18-90 mjc REVISOR (DIS)APPROVED _____

WITHDRAWN _____ FILED W/SEC. OF STATE 10-19-90

RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

May 7, 1990 Date published in State Register

_____ Comments

_____ Petition for Adoption of a Rule

_____ Board's Authorizing Resolution

_____ Date adopted

✓ Proposed Rule

_____ Revisor's Certificate

_____ Notice of Intent to Adopt Rule

299A.01 Statutory Authority

_____ Small Business Statement

_____ Expenditure of public money statement

_____ Signature

✓ Statement of Need and Reasonableness (if applicable)

NA Small Business Statement

NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

August 22, 1990 Dated 30/25 days before adoption

_____ Notice attached indicates it is attached

_____ Copy of rule or summary attached

✓ Publication in State Register

August 27, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:

✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply

✓ end of comment period (§ 14.26) (rules without hearing)

_____ effective date of statutory authority (§ 14.29) (emergency rules)

~~_____ Resolution Adopting~~

~~_____ Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

Oct 4, 1990 Date

~~_____ Written Requests, Submissions or Comments~~

✓ Declaration of Attorney

Nancy Dodd Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: October 22, 1990

TO: KATHERINE BURKE MOORE
Department of Public Safety

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to
Bureau of Criminal Apprehension Training for Intoxication

The above-referenced rule has been approved as to its legality by the Attorney General on October 18, 1990.

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

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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:sc

cc: Nancy Bode
William Brown, Chief Judge
MaryAnn Hruby

Department of Public Safety

Adopted Permanent Rules Relating to Bureau of Criminal Apprehension Training for Intoxication

Rules as Adopted

7502.0600 PERSONS WHO MAY INTERPRET BLOOD OR URINE TESTS.

A person who meets the educational and occupational standards in items A and B may interpret blood or urine tests:

A. educational qualifications: a bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, forensic science, toxicology, or medical technology;

B. occupational qualifications: employment or self-employment as a criminalist, crime laboratory analyst, forensic scientist, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

APPROVED AS TO FORM AND LEGALITY.

October 18 1990

ROBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 19 1990

Joan Anderson Growe
Secretary of State

252pk

OFFICE OF THE COMMISSIONER

211 Transportation Building

Telephone: _____

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

SAINT PAUL 55155

October 4, 1990

Ms. Patricia Nolte, Legal Assistant
Public Finance Division
Office of the Attorney General
404 Capitol Office Building
525 Park Street
St. Paul, MN 55155

Re: In the Matter of Proposed Rule Amendment Governing Bureau of Criminal Apprehension Intoxication Training, Minnesota Rules Parts 7502.0600.

Dear Ms. Nolte:

On October 4, 1990, the Minnesota Department of Public Safety adopted the above-captioned rules governing the Bureau of Criminal Apprehension Intoxication Training. Enclosed for your review are the following:

1. A copy of the Notice of Solicitation of Outside Opinion as published in the May 7, 1990, State Register,

2. A copy of the proposed rule certified for publication,

3. A copy of the Notice of Intent to Adopt the Rule Without a Public Hearing as mailed,

4. A copy of the Notice of Intent to Adopt the Rule Without a Public Hearing as published in the August 27,1990, State Register.

5. A copy of the Statement of Need and Reasonableness.

6. The Affidavit of Mailing the Notice of Intent to Adopt the Rule Without a Public Hearing,

7. Certification of the Mailing List,

8. A copy of the Findings of Fact, Conclusions of Law, and Order adopting the rule,

RECEIVED
OCT 08 1990
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

9. Four copies of the Rules as adopted, and

10. Declaration of Counsel.

No written requests, submissions, or comments were received by the agency in response to the Notice of Solicitation of Outside Opinion or the Notice of Intent to Adopt the Rule Without a Public Hearing.

Thank you for your attention to this matter. If you have any questions or concerns regarding these materials, do not hesitate to contact me at 297-5755.

Sincerely,

Katherine Burke Moore

Katherine Burke Moore
Rules Coordinator

cc: Paul Tschida, Commissioner
Department of Public Safety

Mark Shields, Director
Bureau of Criminal Apprehension

Lowell Van Berkom, Director
Laboratory Section
Bureau of Criminal Apprehension

Stat. Authority 299A.01 (Subd 6)

The commissioner of public safety shall have power to promulgate such rules pursuant to chapter 14, as are necessary to carry out the purposes of Laws 1969, chapter 1129.

10-9-90 called Katherine Re Moore about 14.23 - sending a copy of SOLAR to LCRAR

10-9-90 Katherine said she did send the SOLAR to the LCRAR - she said the next group of rules she submits she will send an affadavit stating she sent the SOLAR

Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds on Behalf of the Trustees of Hamline University

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of the Trustees of the Hamline University of Minnesota, a Minnesota non-profit corporation, as owner and operator of Hamline University, a Minnesota non-profit institution of higher education (the "University"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on May 23, 1990 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an aggregate principal amount of up to approximately $5,600,000, to provide financing for a Project generally described as (i) the refunding of the Authority's Series Two-G Bonds, the proceeds of which were used for the renovation of Sorin Hall, a student residence facility, the refurbishing of Peterson, Osborn and Schilling Residence Halls, and electrical repairs in Manor House; (ii) the construction of a 36,000 square foot Science Building to be used for chemistry, physics and biology labs and offices; (iii) the renovation of Manor House, a 60,638 square foot student residence facility; and (iv) the construction of a 15,000 square foot second phase addition to the Science Building to provide space for additional biology labs and offices; all including appurtenant site improvements and all owned or to be owned and operated by the University and located on the campus of the University, the street address of which is Hamline University, 1536 Hewitt Avenue in St. Paul, Minnesota 55104. At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 7 May 1990

BY ORDER OF THE MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Joseph E. LaBelle
Executive Director

Metropolitan Council

Notice of Postponement of Metropolitan Council Public Meeting on Environmental Review Program for Dual-Track Major Airport Strategy

The Metropolitan Council's public meeting on the Environmental Review Program for the dual-track major airport strategy, originally scheduled for 11 a.m., Tues., June 5, 1990, has been postponed until further notice. A new public meeting notice will be published when a new meeting date is set.

Department of Public Safety

Bureau of Criminal Apprehension

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Chemical Tests for Intoxication, Persons Who May Interpret Blood or Urine Tests

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to revise existing rule 7502.0600 governing chemical tests for intoxication, persons who may interpret blood or urine tests. The adoption of the rule is authorized by *Minnesota Statutes*, section 169.128, which authorizes the agency to adopt rules to carry out the provisions of *Minnesota Statutes* sections 169.121 and 169.123 pertaining to issues related to driving while under the influence of alcohol and implied consent.

The State Department of Public Safety requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing to:

Lowell Van Berkom
Bureau of Criminal Apprehension
246 University Avenue
St. Paul, MN 55104

Any written material received by the State Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Paul J. Tschida, Commissioner
Department of Public Safety

Department of Public Safety

Proposed Permanent Rules Relating to Bureau of Criminal Apprehension Training for Intoxication

Rules as Proposed

7502.0600 PERSONS WHO MAY INTERPRET BLOOD OR URINE TESTS.

~~Any~~ A person who meets the educational and occupational standards ~~set forth~~ in items A and B may interpret blood or urine tests:

A. educational qualifications: a bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, forensic science, toxicology, or medical technology;

B. occupational qualifications: ~~full-time~~ employment or self-employment as a criminalist, crime laboratory analyst, forensic scientist, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

Approved by Revisor RPK

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Bureau of Criminal Apprehension Training for Intoxication

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7502

The attached rules are approved for publication in the State Register

Robert P. Kittel

Robert P. Kittel
Assistant Deputy Revisor

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION

In the Matter of the Proposed Amendment of the Rule of the State Department of Public Safety governing Training for Intoxication Testing	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Department of Public Safety intends to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 14.06 and 299A. 01 subdivision 6, which authorizes the commissioner of public safety to promulgate rules to implement Minnesota Statutes section 169.123, subdivision 3.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) Comments or written requests for a public hearing must be submitted to:

Katherine Burke Moore
Rules Coordinator
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
(612) 297-5755

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

(11) A copy of the proposed rule is attached to this notice.
(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is also enclosed with this notice.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Katherine Burke Moore at the address listed above.

Paul J. Tschida, Commissioner
Department of Public Safety

~~(d) and (e), and subdivision 3, and does not show evidence of sufficient rehabilitation and present fitness to care for vulnerable adults The factors set forth in *Minnesota Statutes,* section 364.03, subdivisions 2 and 3, shall be considered in determining whether the act or conviction relates to the abuse or neglect of vulnerable adults and whether the person has shown evidence of sufficient rehabilitation and fitness; or~~

~~(3) has been convicted of a crime which directly relates to the occupation of providing care to vulnerable adults as defined in *Minnesota Statutes,* section 626.557, and does not show evidence of sufficient rehabilitation and present fitness to care for vulnerable adults. The factors set forth in *Minnesota Statutes,* section 364.03, subdivisions 2 and 3, shall be considered in determining whether the conviction relates to the occupation of providing care to vulnerable adults and whether the person has shown evidence of sufficient rehabilitation and fitness.~~

~~B.~~ the center does not comply with the building, fire, and health codes specified in parts 9555.9600 to 9555.9730 and the deficiencies cited threaten the health, safety, or rights of participants.

[For text of subps 8 to 13, see M.R.]

REPEALER. *Minnesota Rules,* parts 9502.0335, subpart 7; and 9525.1520, subpart 5, are repealed.

Department of Public Safety

Proposed Permanent Rules Relating to Bureau of Criminal Apprehension Training for Intoxication

Bureau of Criminal Apprehension

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes,* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes,* sections 14.06 and 299A.01 subdivision 6, which authorizes the commissioner of public safety to promulgate rules to implement *Minnesota Statutes* section 169.123, subdivision 3.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes,* sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Katherine Burke Moore
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
297-5755

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Katherine Burke Moore at the address and telephone number listed above.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Katherine Burke Moore.

Paul J. Tschida, Commissioner
Department of Public Safety

Rules as Proposed

7502.0600 PERSONS WHO MAY INTERPRET BLOOD OR URINE TESTS.

~~Any~~ A person who meets the educational and occupational standards ~~set forth~~ in items A and B may interpret blood or urine tests:

A. educational qualifications: a bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, forensic science, toxicology, or medical technology;

B. occupational qualifications: ~~full-time~~ employment or self-employment as a criminalist, crime laboratory analyst, forensic scientist, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

Board of Water and Soil Resources

Proposed Permanent Rules Relating to a Local Water Resources Protection and Management Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Water and Soil Resources intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 103B.3361 to 103B.3369.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Greg Larson, Head, Water and Land Management Section
Board of Water and Soil Resources St. Paul, Mn. 55107
155 S. Wabasha Street Suite 104 (612) 296-3767

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Greg Larson upon request.

The Statement of Need and Reasonableness also indicates that since this is a voluntary program involving grants to counties, this rule will not have a negative impact on small business.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Greg Larson.

Dated: 13 August 1990

James R. Birkholz
Executive Director

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

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION

In the Matter of Proposed
Amendment to Rules of the
State Department of Public
Safety Governing Training for
Intoxication Testing

STATEMENT OF NEED
AND REASONABLENESS

The above captioned rules are amendments to existing rules of the Department of Public Safety. The captioned rules were last amended in April, 1984.

The department has considered the requirements of Minnesota Statutes, section 14.115, and has determined that the proposed amendments do not directly affect small businesses.

Paul J. Tschida
Commissioner

NEED AND REASONABLENESS

GENERALLY

These rules are necessary to provide uniform procedures for the training of persons who may administer the tests for intoxication. The amendments below are minor but necessary to assure the language within the rule is consistent with the positions which are involved in intoxication testing.

RULE-BY-RULE ANALYSIS

7502.0600 PERSONS WHO MAY INTERPRET BLOOD OR URINE TESTS.

This amendment, adding the term forensic science and forensic scientist to items A and B respectively, is necessary to make the terminology within the rule current. Since forensic scientist is not listed, some trial courts have determined that it does not matter that the position is identical to that of a crime laboratory analyst. The rule must be changed to list forensic scientists so they are recognized as equally trained and qualified to interpret intoxication tests. Recently the Civil Service title of the Crime Laboratory Analyst series in the Bureau of Criminal Apprehension was changed to Forensic Scientist. In addition, at some universities the Criminalistics program is called a Forensic Science program and the degree awarded is a bachelor's degree or higher degree in Forensic Science. This amendment reflects these changes in both item A and item B. However it continues to be appropriate to retain the criminalistics and crime laboratory analyst language in these items because of the continued use of these terms by universities and other laboratories.

An additional amendment to item B, deleting the phrase full-time, is necessary and reasonable. The original intent of item B was to prevent unqualified individuals from interpreting blood or urine alcohol tests. Whether a person is employed part-time or full-time has no affect on the qualifications or competence of that individual. Furthermore, since the job market is changing to include job sharing more frequently, this amendment allows for flexibility in hiring practices without compromising the hiring standards.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Training for Intoxication Testing

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

Frank C. Dolejs, being sworn says:

I hereby certify that, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the Department of Public Safety mailing list, to all persons and associations that have expressed, to the agency, interest in the captioned rulemaking procedure, and to persons and associations as practical to improve the notification of all parties that might be interested in the captioned rulemaking procedure on this 22 day of August, 1990 at the City of St. Paul, State of Minnesota. This notice is given pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22.

Frank C. Dolejs

Subscribed and sworn to before me this 22 day of August, 1990.

Notary Public

ANTHONY J. PETRACCA
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 5, 1993

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Training for Intoxication Testing

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

Katherine Burke Moore, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, that their names be placed on the State Department of Public Safety rulemaking mailing list is accurate, complete, and current as of the 23rd day of August, 1990, at the City of St. Paul, State of Minnesota.

Katherine Burke Moore

Subscribed and sworn to before me this 18th day of September, 1990.

Patricia I Harris

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 7, 1996

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Training for Intoxication Testing	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on August 27, 1990, 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 August 22, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) No submissions or comments on the rule were received by the agency. Nor were requests for notice of submission to the attorney general received by the agency.

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

(8) The above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Bureau of Criminal Apprehension Intoxication Training is adopted this 4th day of October 1990, pursuant to authority vested in me by Minnesota Statutes, sections 14.06 and 299A.01, subdivision 6.

(9)

Paul J. Tschida, Commissioner
Department of Public Safety

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION

In the Matter of the Adoption of the Rule of the State Department of Public Safety Governing Training for Intoxication Testing

DECLARATION OF COUNSEL

I, Nancy J. Bode, 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. Any exceptions are listed below. For Attorney General Billing purposes, the four-digit docket client code is 0720.

Nancy J. Bode
Assistant Attorney General

Public Safety
OCT 04 1990
Commissioner's Office